

No. 21-144

In The
Supreme Court of the United States

—◆—
SEATTLE'S UNION GOSPEL MISSION,

Petitioner,

v.

MATTHEW S. WOODS,

Respondent.

—◆—
**On Petition For Writ Of Certiorari
To The Supreme Court Of Washington**

—◆—
**BRIEF OF CITYGATE NETWORK AS
AMICUS CURIAE IN SUPPORT OF PETITIONER**

—◆—
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INTEREST OF *AMICUS CURIAE*¹

Amicus Curiae Citygate Network is formerly known as the Association of Gospel Rescue Missions. It is a 115-year-old nonprofit membership organization made up of more than 300 ministries that provide emergency services and life-transforming programs for the hungry, homeless, abused, and addicted throughout the United States and Canada. Petitioner Seattle’s Union Gospel Mission (“SUGM”) is an active member of Citygate Network. The network also includes those who provide services and resources for ministry members, as well as individuals serving vulnerable populations.

The crisis shelters and life-recovery centers that make up Citygate Network—often called “Gospel Missions”—are biblically-based, faith-driven organizations that serve people in destitute conditions and desperate situations, seeking to move them from human suffering to human flourishing through the life-transforming power of the Gospel. They carry out this mission through a variety of programs, but all are actuated by a shared Christian conviction in the dignity of every human life, especially the poor. Gospel Missions are staffed by people who themselves have

¹ Consistent with Rule 37.6, no counsel for a party authored this brief in whole or in part, and no person other than *amicus* or its counsel made a monetary contribution to its preparation or submission. The parties’ counsel of record received timely notice of the intent to file this *amicus curiae* brief pursuant to S. Ct. R. 37.2(a). Petitioner granted blanket consent to the filing of *amicus* briefs. Respondent granted consent to the filing of this brief.

experienced the love of God in Christ Jesus and who extend that love to everyone they serve.

The decision of the Washington Supreme Court threatens the very identity of Citygate Network and its members as Christian ministries. These organizations are Christian to their core. Their religious missions are not simply statements on paper. They are embodied in and lived out by the leaders and staff who carry on the work every day of serving their neighbors. For Gospel Missions, it is imperative that employees not only support the religious mission but also share the religious convictions that give it life. Citygate Network respectfully submits this brief to explain why faith-based personnel policies are both mission-critical and constitutionally protected.

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SUMMARY OF ARGUMENT

Gospel Missions are more than providers of social services. They are communities of Christian believers serving the poor in Jesus' name. From the inception of the church, Christians have been known for their care of the poor. Gospel Missions carry on this faith-driven work today, and they do so out of deep religious conviction. Their biblical belief in the dignity of every person, and their desire to see lives transformed through the power of the Gospel, are what unite mission personnel in community, ministry, and service.

For Gospel Missions and ministries like them, faith and mission are inseparable. What they believe

shapes what they do. But faith and mission aren't self-sustaining. They depend on and are given expression through a ministry's appointments—its selection of leaders and staff who embody the faith and live out the mission every day. Personnel define the religious mission and, in so doing, define the community itself. *Corp. of the Presiding Bishop v. Amos*, 483 U.S. 327, 339 (1987); *id.* at 342 (Brennan, J., concurring).

Faith infuses every part of the work of Gospel Missions like SUGM. Yet the decision below rewrites their internal religious structures, segregating personnel based on an artificial ministry/"secular" distinction and calling for an entangling inquiry into religious belief and practice. *See Woods v. Seattle's Union Gospel Mission*, 481 P.3d 1060, 1068-69 (Wash. 2021). This cannot stand. The Religion Clauses protect the autonomy of religious organizations in "matters of faith, doctrine, [and] internal organization," *Serbian E. Orthodox Diocese v. Milivojevich*, 426 U.S. 696, 713 (1976); preclude government from probing the relationship between personnel policy and religious mission, *NLRB v. Catholic Bishop of Chicago*, 440 U.S. 490, 502 (1979); and demand deference to faith leaders' insistence that staff share their religious convictions, *see Our Lady of Guadalupe v. Morrissey-Berru*, 140 S. Ct. 2049, 2066 (2021).

The growing literature of "social influence theory" confirms what religious communities have long understood: associating with fellow believers strengthens faith and mission. *See* Helen Alvaré, *Church Autonomy After Our Lady of Guadalupe School: Too Broad? Or*

Broad As It Needs to Be?, 25 TEX. REV. L. & POLITICS 319, 355-70 (2021). Humans are wired to learn not only through instruction but also through *modeling*—by observing what others around them do and say. For Gospel Missions, this is critical to ministry success, internally and externally. Employees minister to one another by inwardly modeling biblical faith and encouraging each other in the mission’s work. They also outwardly model the faith to mission guests and residents, exhibiting the love of Jesus in their interactions with everyone they serve. This is Gospel work through and through.

Coreligionist exemptions in state and federal law act as constitutional prophylactics. They inoculate against “intrusive inquir[ies] into religious belief,” and they “alleviat[e] significant governmental interference” with religious mission. *Amos*, 483 U.S. at 339. The lower court having dispensed with these critical safeguards, this Court should now grant the writ, reverse, and hold that the First Amendment protects the faith-based hiring standards of ministries like SUGM.



ARGUMENT

I. **Gospel Missions are communities of Christian believers serving the poor in Jesus' name.**

Since the late 1800s, Gospel Missions have been serving the poor throughout the United States, offering radical hospitality in Jesus' name to those dealing with hunger, homelessness, addiction, and abuse. Though their Christian beliefs infuse everything they do, Gospel Missions are open to people of every faith or no faith, and they serve their neighbors without regard to creed or status of any kind. The goal of every Gospel Mission is to see lives, relationships, and families restored through Gospel-powered life transformation.

The work of Gospel Missions goes beyond “charity” and “social services.” From the inception of Christianity, followers of Jesus have been known for their care of the poor. Amidst pagan and, later, medieval societies where the poor were too easily dismissed and discarded, Christians stood out because they allied themselves with and served the most vulnerable. See TOM HOLLAND, *DOMINION: HOW THE CHRISTIAN REVOLUTION REMADE THE WORLD* 137-44 (2019); JOHN DICKSON, *BULLIES AND SAINTS: AN HONEST LOOK AT THE GOOD AND EVIL OF CHRISTIAN HISTORY* 191-95 (2011). Christians did this not to ingratiate themselves with authorities, to fulfill civic duties, or to log *pro bono* hours. No, Christians served and continue to serve the poor because they are imitating God himself—a God who they believe took on human flesh and “dwelt among us” (*John* 1:14, ESV), who revealed Himself in

the person of Jesus, who laid down His own life so that all, through Him, might experience saving grace and new resurrection life.

“We love,” Christians affirm, “because He first loved us” (*1 John* 4:19). In a world that treats the poor with cold indifference, Gospel Missions offer the warmth of shelter, meals, and a loving embrace. Those experiencing addiction and abuse can, in a Gospel Mission, find a community of people committed to their healing and restoration. In 2019, Citygate Network members provided more than 22 million nights of lodging, served 57 million congregant meals, distributed almost 15 million boxes of food, ministered to more than 42,000 in addiction recovery, placed nearly 37,000 people in non-mission housing, and helped more than 45,000 people find employment. This is what Jesus-shaped hospitality looks like—extending to others, especially the “least of these” (*Matthew* 25:40), the same radical welcoming grace that God in Christ has extended to us.

For Christians, *faith* and *mission* have always been inseparable. What we believe about God and His graceful intervention into the human story shapes both our worship and our work. “*Gospel Mission*” isn’t a trite phrase or a marketing gimmick. It is at the heart of what it means to be and do Christian ministry.

This is why Gospel Missions insist that their staff be Christian and share their beliefs. It is not because they and other ministries see non-Christians as less valuable or second-rate. To the contrary, it is precisely

because Christians affirm the God-given worth and dignity of *every* human being that they join hands with one another to lovingly serve their neighbors. Their faith both draws them together in community and propels them outward in ministry.

To accomplish this work, a variety of civil-law structures may be adopted. For example, Gospel Missions like SUGM organize as nonprofit corporations, assemble boards of directors, appoint leaders, and hire staff. But none of this erases their essential identity: communities of fellow believers working together to transform lives through the power of the Gospel. This identity is destroyed, and the mission scuttled, if the community is forced to admit those who don't share its uniquely religious values and aims. *Boy Scouts of Am. v. Dale*, 530 U.S. 640, 648 (2000).

The joinder of faith and mission is as old as Christianity itself. One of the church's earliest challenges arose when certain "widows were being neglected in the daily distribution" of food. Church leaders thought it unwise to "give up preaching the word of God to serve tables." So, from among the "full number of the disciples," they appointed "seven men of good repute, full of the [Holy] Spirit and of wisdom," to carry on this work. This freed up church leaders to continue devoting themselves "to prayer and to the ministry of the word." *Acts* 6:1-6.

Thus, from its inception, the church has insisted that even its charitable work, such as service to the poor, be carried on by fellow believers, by persons

chosen from among the body of Christians and “full of the Spirit.” Today these activities are sometimes called “parachurch” ministry, but they are no less central to the Gospel—and no less constitutionally protected. *See Spencer v. World Vision, Inc.*, 633 F.3d 723, 728, 732 (9th Cir. 2011) (O’Scannlain, J., concurring).

When Gospel Missions like SUGM select only fellow believers to carry on the work of serving the poor, they are keeping up a 2000-year-old practice. The purpose of this practice has never been to *exclude*, but rather to *expand* the work of the church and the spread of the Gospel. The above *Acts* passage concludes thus: “And the word of God continued to increase, and the number of the disciples multiplied greatly . . .” *Acts* 6:7. This same work continues today through the hundreds of Gospel Missions and kindred ministries throughout North America that comprise the Citygate Network.

II. The decision below divides faith from mission, rewrites a ministry’s internal religious structure, and overrules faith leaders’ decision on a core religious issue.

The First Amendment protects the right of religious organizations to both “*define* and *carry out* their religious missions.” *Amos*, 483 U.S. at 339 (emphases added). A key way they do this is “through [their] appointments,” their selection of leadership and staff. *See Hosanna-Tabor Evangelical Lutheran Church & Sch. v. EEOC*, 565 U.S. 171, 188 (2012). Some religious

organizations choose not to base hiring decisions on an employee's religious beliefs and practices. Others require employees to broadly support the religious mission even though employees need not identify with a particular (or any) faith tradition. And some organizations limit hiring to coreligionists—those that profess and practice the same faith. The Religion Clauses protect these decisions because they give religious organizations the right to shape their “*own* faith and mission” and to decide such matters “*for themselves*, free from state interference.” *Id.* at 188, 186 (emphases added).

At a minimum, religious ministries have a right to say no to those who seek to undermine their mission. As Justice Brennan observed in his concurrence in *Amos*, “[d]etermining that certain activities are in furtherance of an organization’s religious mission, and that *only those committed to that mission should conduct them*, is . . . a means by which a religious community defines itself.” 483 U.S. at 342 (Brennan, J., concurring) (emphasis added). For any organization, it can be said, personnel is policy. But for religious organizations, the stakes are higher. Those who join hands in ministry define and give shape to what an organization believes and does. For them, personnel is not just policy. It is *identity*.

A contrary rule wreaks havoc on ministry. If the First Amendment did not protect faith-based personnel decisions, then private plaintiffs, government bureaucrats, and judicial activists would have *carte blanche* to remold ministry in service of secular aims.

That is the egregious error of the lower court here. Rewriting Washington law, the state supreme court handed plaintiffs and courts a new set of legal tools, expressly calling for an intrusive “inquiry” into an organization’s beliefs and practices and the degree to which any of them are “secular [in] nature.” 481 P.3d at 1068-69. But many religious organizations do not divide up ministry this way. Certainly SUGM and other Gospel Missions do not. The lower court’s decision invites the very “host of problems” this Court foresaw in *Our Lady*, 140 S. Ct. at 2068.

This Court has long warned government decisionmakers not to burden religious organizations in this way, not to impose secular legal standards that require religious leaders to explain in “good faith” how their personnel policies “relat[e] to the . . . religious mission.” *Catholic Bishop*, 440 U.S. at 502. “[I]t is a significant burden on a religious organization to require it, on pain of substantial liability, to predict which of its activities a secular court will consider religious.” *Amos*, 483 U.S. at 336. That is why the coreligionist exemption exists in federal law, in the laws of almost all states, and until recently in Washington. For “[i]t is not only the conclusions that may be reached . . . , but also the *very process of inquiry*” that “impinge[s] on rights guaranteed by the Religion Clauses.” *Catholic Bishop*, 440 U.S. at 502 (emphasis added).

The decision below not only effaces SUGM’s personnel policy; it fundamentally alters its internal religious structure. It is a ministry’s leadership that

sets personnel policy, and SUGM's leaders have determined that staff must share their religious convictions. Washington's justices, however, have overruled that decision, substituting their own secular preferences for SUGM's religious standards by artificially dividing an employee's "duty . . . to minister" from the "secular nature of [his] work." 481 P.3d at 1068, 1069. The Religion Clauses prohibit carving up ministry this way. Government may not blue-pencil a ministry's internal structure so as to limit control by religious leaders—however much the government disapproves of the values those leaders espouse. *See Kedroff v. St. Nicholas Cathedral*, 344 U.S. 94, 108-09 (1952). And secular courts may not overrule religious leaders' decisions "on matters of discipline, faith, [and] internal organization"—however unwise a court thinks those decisions may be. *See Serbian*, 426 U.S. at 713. "It is of the essence of" religious organizations that they, and they alone, get to decide who may "unite themselves" therein "to assist in the expression and dissemination" of the faith. *Watson v. Jones*, 80 U.S. 679, 729 (1871). The Washington court was "bound to accept" SUGM leaders' decision on this core religious issue. *Serbian*, 426 U.S. at 713.

III. Social influence theory confirms the power of religious modeling: associating with fellow believers strengthens faith and mission.

When Justice Brennan observed that a religious community "defines itself" by preferring "those

committed to [its] mission,” *Amos*, 483 U.S. at 342, he was articulating not just a constitutional insight but a practical one. There is a growing literature known generally as “social influence theory,” and when applied in religious contexts, is often called the sociology or psychology of religion. Its key observation is that values are maintained and passed on not only by word—that is, by teaching—but also, and often more effectively, by *deed*, by observing the conduct of others in one’s immediate environment. “Beliefs and norms are more successfully maintained and transmitted in group settings in the presence of a majority—or at least some crucial number—of knowledgeable, confident, expert, relatable individuals who speak in favor of, and role-model, the desired beliefs and norms.” Alvaré, *supra*, at 355.

This insight is captured in aphorisms like: “You are the company you keep.” As Professor Cass Sunstein has observed, “much of human behavior is a product of social influences.” CONFORMITY: THE POWER OF SOCIAL INFLUENCES 7 (2019). “Most of what we think—about facts, morality, and law—is a product not of firsthand knowledge but of what we learn from what others do and think.” *Id.* at 6. “[T]he actions and statements of other people provide *information about what is true and what is right.*” *Id.* at xxv (emphasis in original).

One of the pioneers in this field, Stanford psychologist Albert Bandura, points out that religiosity is not simply, or even primarily, a matter of “intrapsychic self-engagement with a Supreme Being.” On the Psychosocial Impact and Mechanisms of Spiritual

Modeling, 13 INT’L J. PSYCHOL. RELIGION 167, 171 (2013). It is, rather, “socially grounded.” *Id.* How others around you speak and act influences your own behavior, a phenomenon that psychologists call “modeling.” This is particularly important in religious settings. Bandura emphasizes the “influential role of modeling in transmitting values, spiritual belief systems, and spiritual lifestyle practices.” *Id.* at 171.

Other scholars have observed that “all faiths rest on network influences,” that “belief is firmest among those whose social network and religious affiliation are *coterminous*.” Rodney Stark & William Sims Bainbridge, Networks of Faith, 85 AM. J. SOCIOLOGY 1376, 1389-90 (1980) (emphasis added). And this is not just an empirical fact; it is rooted in human nature. To quote Bandura again, humans have “an advanced cognitive capacity for observational learning that enables them to shape and structure their lives through the power of modeling.” Bandura, *supra*, at 167.

A. As faithful Christians, mission employees encourage one another in the faith and spur each other on in ministry.

Within religious communities, it is a commonplace that faith and morals are “caught, not taught.” Of course, this is an oversimplification—they are taught, too. But the “[r]eligious education [that] is vital to many faiths,” *Our Lady*, 140 S. Ct. at 2064, is not just didactic classroom instruction; it is the living witness—the faithful patterns of behavior—by both

leaders and peers. Religious traditions thus have long stressed the power of modeling. “Throughout history, religious traditions have emphasized the value of keeping good company and attending to the example of good or holy persons, arguing that people tend to become more like those with whom they associate.” Alvaré, *supra*, at 363 (quoting Doug Oman, *Spiritual Modeling and the Social Learning of Spirituality and Religion*, ch. 10 in 1 AM. PSYCHOL. ASS’N, HANDBOOK OF PSYCHOLOGY, RELIGION, AND SPIRITUALITY: CONTEXT, THEORY, AND RESEARCH (Kenneth I. Pargament, Julie J. Exline & James W. Jones eds., 2013), at 187).

“Iron sharpens iron” (*Proverbs* 27:17). Like other religious traditions, Christians join with their fellow believers in a variety of social contexts—parachurch ministries especially—because they know that faith is formed and fostered through association. Long before social science affirmed this truth, the author of *Hebrews* put it this way: “[L]et us consider how to stir up one another to love and good works, not neglecting to meet together . . . but encouraging one another” (*Hebrews* 10:24-25). Religious association thus has purposes both endogenous and transcendent. Being with fellow believers strengthens and sharpens faith. It also, simultaneously, propels the community outward in ministry and service, spurring them toward the good works that faith commends.

The life-transforming work of Gospel Missions would never happen without bodies of faithful Christians—board members, executives, and staff—committed unwaveringly to seeing the Gospel *lived*,

not just taught, in their communities. For this, they need each other: leaders and peers, mentors and models. For “[t]he people with whom one regularly associates, either through preference or imposition, delimit the behavioral patterns that will be repeatedly observed, and hence, learned most thoroughly.” Alvaré, *supra*, at 364 (quoting Oman, *supra*, at 150-51) (internal quotation marks omitted).

This Court has recognized the direct link between a group’s inward identity and its outward expression. *See Dale*, 530 U.S. at 648. The specific composition of the community matters because members embody the group’s values and determine how those values are expressed both internally and externally. *See Amos*, 483 U.S. at 342 (Brennan, J., concurring). “Religious groups are the archetype of associations formed for expressive purposes,” *Hosanna-Tabor*, 565 U.S. at 200 (Alito & Kagan, JJ., concurring), and this Court long ago affirmed their right to be selective about who may “assist in the expression and dissemination” of the faith, *Watson*, 80 U.S. at 728. Social science is beginning to catch up to these insights.

B. As faithful Christians, mission employees model and embody the love of Christ for the guests and clients they serve.

But Gospel Missions are selective about their staff for another reason, too. It is not just that committed Christian employees are able to inspire and energize

one another and *inwardly* model biblical faithfulness. Equally importantly, employees are religious models *outwardly* for mission guests and clients. The point of Gospel Mission work is to see lives transformed through the power of the Gospel. Though they do this with an open hand, serving all without regard to faith or status, they are unapologetic about their Christian vision: they want those they serve to know that God loves them, that He has a purpose for their lives, and that in Christ He has forgiven their sins and opened the way for their salvation, healing, and restoration.

For people to grasp this, they must see it lived out, not just preached. Gospel Mission work focuses on breaking the bonds of destructive habits, bad decisions, and enslaving conditions. This only happens in the context of community, surrounded by a group of caring individuals. Mission guests and clients come to know that God loves them because they encounter His love in their interactions with staff—people who acknowledge them, encourage them, and care for them holistically. They come to see that God has a purpose for their lives as they observe mission staff daily living out their own callings to serve others in Jesus' name. And they believe that God desires their healing and restoration because mission staff are the very agents of this work, providing the shelter, meals, clothing, counseling, legal assistance, rehabilitation and recovery programs, parenting classes, and career assistance to help move people from suffering to flourishing.

There is no part of this work that the Gospel does not touch. Nowhere is this more evident than in Gospel Missions' work therapy and career assistance programs. As part of their goal to set individuals on successful career paths, Gospel Missions involve guests and residents in social-enterprise programs like culinary arts (food service and catering) and thrift store management. Through these programs, individuals interact daily with mission staff, learning not only important job skills but also the character traits and behavioral habits critical to career and spiritual success. The cooks and store clerks employed by Gospel Missions—many of whom are former mission guests and residents themselves—teach skills like running a kitchen, serving meals, and operating a store. But in the process, they also expressly teach and model biblical values like honesty, integrity, perseverance, service, and compassion. Faith infuses every part of this work.

Even custodial employees of Gospel Missions are intimately involved in ministry. When mission residents have settled in for the evening, it's not uncommon for them to encounter custodial staff in the hallways. These employees encourage and counsel residents, pray with them, and share about their own faith journeys and life experiences. Here again, "secular" job duties are a gateway to Christian ministry. *See Amos*, 483 U.S. at 339 (upholding ministry's right to select custodial employee based on religious standards).

For guests and residents, these experiences are life-transforming. For employees, it is exciting and energizing work because everything they do is a way of proclaiming the kingdom of God, of achieving God's purpose right here "on earth as it is in heaven" (*Matthew* 6:10). Gospel Missions like SUGM cannot accomplish their uniquely religious mission unless staff members both support the mission and share the Gospel-shaped convictions that give it life. Every single employee is essential and mission-critical because the ministry of Gospel Missions is both inwardly directed and outwardly expressed. Employees' beliefs, values, and conduct define and give shape to the religious community, and these in turn determine the religious mission and the success of the ministry.

IV. The Court should grant the writ and hold that the Religion Clauses protect faith-based hiring standards.

The decision below proceeds on the erroneous premise that the faith-infused work of SUGM can be parsed into separate "ministry" and "secular" components. *See* 481 P.3d at 1069, 1068. While some organizations may draw such a distinction in operations and personnel, Gospel Missions like SUGM do not. Faith permeates every part of their work, including the choice of those who perform it.

Statutory coreligionist exemptions are designed to "avoi[d] . . . intrusive inquir[ies] into religious belief" and "alleviate significant governmental interference

with the ability of religious organizations to define and carry out their religious missions.” *Amos*, 483 U.S. at 339. This language from *Amos* has “a clear constitutional ring.” *Serbian*, 426 U.S. at 710 (quotation omitted). And the constitutional right to further one’s religious mission necessarily includes the right to choose “only those committed to [it].” *Amos*, 483 U.S. at 342 (Brennan, J., concurring). This Court has made clear that the First Amendment protects “internal management decisions that are essential to [an organization’s] religious mission,” and requires deference to the “religious institution’s explanation of the role of such employees in the life of the religion.” *Our Lady*, 140 S. Ct. at 2060, 2066. But the Court has not had occasion to hold that a faith-based personnel standard, like SUGM’s requirement that employees share its beliefs, enjoys similar protection. This case presents an ideal vehicle for resolving that issue and correcting the lower court’s error.



CONCLUSION

The First Amendment protects the right of religious organizations to employ coreligionists. The Court should grant the writ, reverse the lower court's decision, and ensure that the faith-driven, life-transforming work of Gospel Missions like SUGM can continue.

Respectfully submitted,

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