

**No. 25-1512**

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

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PHILADELPHIA YEARLY MEETING OF THE RELIGIOUS SOCIETY  
OF FRIENDS, *et al.*,

Plaintiffs - Appellees,

*v.*

UNITED STATES DEPARTMENT OF HOMELAND SECURITY, *et al.*,

Defendants - Appellants.

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On Appeal from the United States District Court  
for the District of Maryland

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***AMICI CURIAE* BRIEF OF ISAAC BARNES MAY (YALE  
UNIVERSITY), STEPHEN ANGELL (EARLHAM COLLEGE),  
JANE CALVERT (UNIVERSITY OF KENTUCKY), THOMAS D.  
HAMM (EARLHAM COLLEGE (EMERITUS)), JULIE HOLCOMB  
(BAYLOR UNIVERSITY), ANDREW TAYLOR (COLLEGE OF ST.  
SCHOLASTICA), AND DAVID WATT (HAVERFORD COLLEGE)  
IN SUPPORT OF PLAINTIFFS-APPELLEES AND  
AFFIRMANCE**

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## CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1 and Local Rules 26.1(a)(2)(A) and (a)(2)(C), *Amici Curiae* Quaker scholars: Isaac Barnes May (Yale University), Stephen Angell (Earlham College), Jane Calvert (University of Kentucky), Thomas D. Hamm (Earlham College (emeritus)), Julie Holcomb (Baylor University), Andrew Taylor (College of St. Scholastica), David Watt (Haverford College) make the following disclosures:

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3. None of *Amici Curiae*' stock is owned by a publicly held corporation or other publicly held entity.
4. There is no other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation.
5. No *Amici Curiae* is a trade association.
6. This case does not arise out of a bankruptcy proceeding.

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Bayard Rustin, <i>In Apprehension How Like a God!</i> , Quaker Pamphlets, <a href="http://quaker.org/legacy/pamphlets/wpl1948a.html">http://quaker.org/legacy/pamphlets/wpl1948a.html</a> .....	20
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Conn. Friends Sch., <i>S-P-I-C-E-S: The Quaker Testimonies</i> , Friends J. (Sept. 20, 2010), <a href="http://bit.ly/3G9XmFw">http://bit.ly/3G9XmFw</a> .....	13, 14
David Crary, <i>Churches Are Holding Empty Services Because People Are Too Afraid of ICE Agents Barging in to Arrest Refugees and Immigrants</i> , Fortune (Feb. 11, 2025), <a href="http://fortune.com/2025/02/11/trump-ice-immigration-religious-groups-lawsuit-migrants-arrests-churches-synagogues/">http://fortune.com/2025/02/11/trump-ice-immigration-religious-groups-lawsuit-migrants-arrests-churches-synagogues/</a> .....	23
David W. McFadden, <i>The Politics of Relief: American Quakers and Russian Bolsheviks, 1917-1921</i> , 86 Quaker Hist. 1 (1997).....	17
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George Fox and others, <i>Quaker Writings: An Anthology</i> 321, 322 (Thomas D. Hamm ed., 2010) .....	12
George Gilbert, <i>Update on U.S. Religion Census</i> , Friends World Committee for Consultation - Section of the Americas (Feb. 25, 2022), <a href="http://bit.ly/4p4ZiAr">http://bit.ly/4p4ZiAr</a> .....	6, 7

George Washington, <i>The Papers of George Washington, Presidential Series</i> (Dorothy Twohig ed., 1993), <a href="http://bit.ly/42fWqqI">http://bit.ly/42fWqqI</a> .....	31
Gina Christian, <i>Baton Rouge Bishop Suspends Mass Obligation amid ICE Crackdown</i> , Catholic Review (Dec. 8, 2025), <a href="http://catholicreview.org/baton-rouge-bishop-suspends-mass-obligation-amid-ice-crackdown/">http://catholicreview.org/baton-rouge-bishop-suspends-mass-obligation-amid-ice-crackdown/</a> .....	23
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Katherine Murray, <i>The Cambridge Companion to Quakerism</i> 88 (Stephen W. Angell & Pink Dandelion eds., 2018).....	18
Levi Coffin, <i>Quaker Writings: An Anthology</i> 44 (Thomas D. Hamm ed., 2010) .....	17
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Lucretia Mott, <i>A History of Preaching</i> 448 (O.C. Edwards Jr. ed., 2016) .....	20
Madeleine Ward, <i>Transformative Faith and the Theological Response of the Quakers to the Boston Executions</i> , 21 Quaker Studies 15 (2016) .....	30
Marcus Rediker, <i>Radical Abolitionist Benjamin Lay Reclaimed by Quakers 279 Years Later</i> , Verso (Nov. 22, 2017), <a href="http://bit.ly/42fRamR">http://bit.ly/42fRamR</a> .....	15
Marcus Rediker, <i>You'll Never Be as Radical as this 18th- Century Quaker Dwarf</i> , N.Y. Times (Aug. 12, 2017) .....	16
Margret Fell Fox, <i>Quaker Writings: An Anthology</i> (Thomas D. Hamm ed., 2010) .....	10
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Nancy Black Sagafi-Nejad, <i>Friends at the Bar: A Quaker View of Law, Conflict Resolution, and Legal Reform</i> (2011) .....	14
Nathan Layne, <i>Immigrant Faithful Turn to Virtual Sermons and Home Communion amid Trump Crackdown</i> , Reuters (Sept. 7, 2025) .....	19
Pink Dandelion, <i>An Introduction to Quakerism</i> (2007) .....	11
<i>Quaker Statements on Just Migration</i> , Friends Comm. on Nat'l Legis. (Mar. 6, 2025), <a href="http://www.fcnl.org/updates/2025-03/quaker-statements-just-migration">http://www.fcnl.org/updates/2025-03/quaker-statements-just-migration</a> .....	14, 15
<i>The “Quakers vs. ICE” Lawsuit</i> , Thee Quaker Podcast (June 25, 2025), <a href="http://quakerpodcast.com/the-quakers-vs-ice-lawsuit/">http://quakerpodcast.com/the-quakers-vs-ice-lawsuit/</a> .....	9, 26
R.J.M. Blackett, <i>Abductors/Liberators and the Underground Railroad</i> , 91 J.S. Hist. 5 (2025) .....	16, 17
Robert Barclay, <i>Apology for the True Christian Divinity</i> (Quaker Heritage Press 2002) .....	12, 13, 27, 28
Robynne Rogers Healey, <i>The Cambridge Companion to Quakerism</i> 13, 19 (Stephen W. Angell & Pink Dandelion eds., 2018) .....	29
Rosemary Moore, <i>The Light in Their Consciences: Early Quakers in Britain, 1646-1666</i> (2020 ed.) .....	29
Rosemary Moore, <i>The Oxford Handbook of Quaker Studies</i> (Ben Pink Dandelion & Stephen W. Angell eds., 2013) .....	11
Rosemary Moore, <i>The Quakers, 1656-1723: The Evolution of an Alternative Community</i> 8 (Richard C. Allen & Rosemary Moore eds., 2018) .....	29
Rufus M. Jones, <i>The Faith and Practice of the Quakers</i> (1927) .....	10
Stephen Hobhouse, <i>Joseph Sturge: His Life and Work</i> (1919) .....	28
Sydney E. Ahlstrom, <i>A Religious History of the American People</i> (1972) .....	30

*Testimony*, Quaker.org, <http://quaker.org/testimony/>.....11

Thao Nguyen and Michael Loria, *Southern California Bishop Suspends Weekly Mass Obligation over Immigration Raid Fears*, USA Today (July 10, 2025), <http://www.usatoday.com/story/news/nation/2025/07/10/california-bishop-suspends-mass-obligation-immigration-fears/84527708007/> .....23

*Think Twice Before Calling the Police*, Quaker Speak (May 9, 2024), <http://quakerspeak.com/video/think-twice-before-calling-the-police/> .....28

Thomas D. Hamm, *The Quakers in America* (2003).....25

Thomas E. Drake, *Quakers and Slavery In America* (1950).....16

*What to Do if ICE Shows Up at Your Quaker Meeting*, Phila. Yearly Meeting (Feb. 12, 2025), <http://bit.ly/4i9ylb9>.....22, 23

William Penn, *The Great Case of Liberty of Conscience Once More Briefly Debated & Defended ... which may serve the place of a general reply to such late discourses as have oppos'd a toleration* 4 (1670), <http://name.umd.umich.edu/A54146.0001.001> .....30

## INTERESTS OF *AMICI CURIAE*<sup>1</sup>

*Amici curiae* are leading scholars of Quakerism with expertise in the religious beliefs and practices of Quakers and their history in the United States.<sup>2</sup> *Amici* hold academic qualifications in the study of history or religion, have published numerous scholarly books and articles about Quakerism, and hold or have held professional positions involving the academic study of Quakerism.

Stephen W. Angell is the Leatherock Professor of Quaker Studies at Earlham School of Religion. He earned a Ph.D. from Vanderbilt University. In addition to his own writing on Quakerism, Professor Angell has served as the co-editor of numerous books on the subject, including *The Cambridge Companion to Quakerism* (2018), *The Oxford Handbook of Quaker Studies* (2013), *The Creation of Modern Quaker Diversity, 1830-*

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<sup>1</sup> Both Parties have consented to the filing of this brief. No counsel for a party in this case authored this brief in whole or in part, and no such counsel or party made a monetary contribution intended to fund the preparation of this brief. No person other than *amici curiae* or its counsel made a monetary contribution to the preparation or submission of this brief.

<sup>2</sup> *Amici's* institutional affiliations are provided for identification purposes only.

*1937* (2023), and *Early Quakers and Their Theological Thought* (2015).

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*Evangelicalism* (1991). Along with Professor Angell, Professor Watt co-edited *The Creation of Modern Quaker Diversity, 1830-1937* (2023).

*Amici* are interested in this case because it is necessary to understand the claims of Quaker Plaintiffs within a proper historical and theological context. Philadelphia Yearly Meeting, New England Yearly Meeting, Baltimore Yearly Meeting, and New York Yearly Meeting are the largest governing Quaker bodies in the Northeast and mid-Atlantic United States. They have a combined membership of over 22,000 people.<sup>3</sup> Adelphi Friends Meeting and Richmond Friends Meeting are Monthly Meetings, individual congregations which are part of Baltimore Yearly Meeting.<sup>4</sup> Understanding the Quaker Plaintiffs' religious commitments is essential because, when considering Religious Freedom Restoration Act ("RFRA") claims courts must use the compelling interest test from *Sherbert v. Verner* and *Wisconsin v. Yoder* and "[i]n each of those cases, [the] Court looked beyond broadly

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<sup>3</sup> Gregory P. Hinshaw, *Research Note: Fifty Years of American Quaker Statistics*, 21 Quaker Stud. 121, 130–31 (2018).

<sup>4</sup> *About Our Meetings*, Balt. Yearly Meeting (Dec. 21, 2025 at 14:16 EST), [http://www.bym-rsf.org/who\\_we\\_are/meetings/](http://www.bym-rsf.org/who_we_are/meetings/).

formulated interests justifying the general applicability of government mandates and scrutinized the asserted harm of granting specific exemptions to particular religious claimants.” *Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal*, 546 U.S. 418, 431 (2006). The *Gonzales* Court explained that in *Yoder*, for instance, “the State needed ‘to show with more particularity how its admittedly strong interest . . . would be adversely affected by granting an exemption *to the Amish*.’” *Id.* (citing *Wisconsin v. Yoder*, 406 U.S. 205, 213 (1972)). This Court needs to determine how government interests would be affected by granting an exemption specifically to Quakers.

Plaintiffs object to the rescission of the Department of Homeland Security’s (“DHS”) 2021 Guidelines for Enforcement Actions in or Near Protected Areas (“Protected Areas Guidelines” or “Guidelines”). As scholars of Quakerism, *amici* are qualified to assist the Court by demonstrating that the Plaintiffs’ claims are consistent with Quaker history, traditions, and religious practices, and are therefore sincere. *Amici* will also demonstrate that DHS’s policy changes significantly burden Quakers’ religious exercise and inhibit Quakers’ ability to associate freely and worship communally.



## INTRODUCTION AND SUMMARY OF ARGUMENT

Since the movement's inception in seventeenth-century England, the beliefs and practices of the Religious Society of Friends—whose members are popularly known as “Quakers”—elicited governmental hostility. Quakers were persecuted in England, and later in the American colonies, because their core beliefs challenged prevailing institutional hierarchies. Quakers believe that individuals may discern religious truth by worshipping together without the guidance or teachings of trained clergy. They also commit to take the teachings of Jesus Christ seriously and adhere to them in daily life. Quakers therefore believe that all people are spiritually equal, the use of violent force is always wrong, one should never swear, and outcasts should be welcomed and supported.

Through years of effort and toil to promote the public understanding of their religious convictions and garner the respect of those in power, Quakers won legal and political acceptance throughout this country. Today, there are over 80,000 Quakers in the United States and more than 1,000 Quaker houses of worship, typically referred to as

meetinghouses.<sup>5</sup> Quakers have strived to and succeeded in making positive contributions to American society. As Justice Holmes long ago acknowledged, “Quakers have done their share to make the country what it is.” *United States v. Schwimmer*, 279 U.S. 644, 655 (1929) (Holmes, J., dissenting), *overruled by Girouard v. United States*, 328 U.S. 61 (1946).

For the past three decades, the federal government’s Protected Areas Guidelines respected Quakers’ religious conviction that immigrants should be welcomed and supported by directing federal officers to refrain from immigration enforcement actions in places of worship. The abrupt rescission of these Guidelines means government agents may now make armed incursions into Quaker meetings without notice or a judicial warrant. Such incursions are a direct affront to Quaker teachings. Immigration and Customs Enforcement agents have already wielded their newfound authority to enter houses of worship and detain people.<sup>6</sup>

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<sup>5</sup> George Gilbert, *Update on U.S. Religion Census*, Friends World Committee for Consultation – Section of the Americas (Feb. 25, 2022), <http://bit.ly/4p4ZiAr>.

<sup>6</sup> Anita Snow & Debadrita Sur, *ICE Agents Detain Migrants on Church Grounds at 2 California Parishes, Diocese Says*, Nat’l Cath. Rep. (June 26, 2025), <http://bit.ly/49m5v6F>; Christopher Buchanan,

The potential for immigration enforcement actions at Quaker meetinghouses substantially burdens Quakers' ability to exercise their religious beliefs in multiple respects:

1. The risk of armed raids in meetinghouses impedes Friends' ability to welcome and care for the most vulnerable members of a community, as dictated by the Quaker belief in the equality of all people before God. The ever-present potential of these raids severs Quakers from their long history of offering aid to immigrants and the disadvantaged—those whom Jesus called the “least of these.”<sup>7</sup>

2. The threat of armed raids in meetinghouses precludes the inclusiveness that Quakerism demands. Unannounced armed government intrusion into Quaker meetings restricts who can participate in public worship and who can minister in the Quaker faith. The ability to welcome noncitizens into the Quaker community is frustrated when attending worship requires them to be present at locations that put them in danger.

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Andrew J. Campa, & Hannah Fry, *A Crisis of Faith: ICE Raids Force Some Churches to Take “Extraordinary” Action*, L.A. Times (July 11, 2025), <http://lat.ms/4nNTVVd>.

<sup>7</sup> *Matthew* 25:40 (King James).

3. The risk of armed raids in meetinghouses undermines the religious experience of Quakerism. Moving services online for the protection of immigrants alters the communal nature of worship—a problem particularly acute for Quakers, whose experience of God is strengthened through sitting together in silence.<sup>8</sup>

These impacts on the exercise of Quakers' beliefs all flow from the uncertainty and fear of official intrusion, even before an armed raid occurs.

The threat of armed immigration raids has already had concrete impacts on Quaker congregations. The change in policy has forced Friends to close off portions of meetinghouses, train members on how to interact with armed federal law enforcement, and identify leaders to negotiate with ICE agents in an attempt to avoid the disruption of gatherings.<sup>9</sup>

That Quakers will once again be targeted for witnessing their beliefs echoes the historical repression they faced in England and the

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<sup>8</sup> See Bianca Giaever, *Can You Gather With God Over Zoom?*, N.Y. Times (May 22, 2020), <http://nyti.ms/4oDzqfm> (observing that Quaker worship over Zoom is different from in-person gathering).

<sup>9</sup> *The “Quakers vs. ICE” Lawsuit*, Thee Quaker Podcast (June 25, 2025), <http://quakerpodcast.com/the-quakers-vs-ice-lawsuit/>.

American colonies. The violation of Quakers' spiritual principles and the constraints on their ability to live their faith represents a retreat from more than two centuries of religious liberty.

## ARGUMENT

### I. Quakers' firmly held religious beliefs

Quakers came to North America in large part to secure religious liberty and live their sincerely held religious beliefs free from governmental interference. The Quaker movement, begun by George Fox in the mid-seventeenth century, rests on the conviction that God can speak through anyone.<sup>10</sup> Fox declared: "You will say, Christ saith this, and the apostles say this; but what canst thou say? ... [W]hat thou speakest is it inwardly from God?"<sup>11</sup> Rather than deferring to clergy or the established church, Fox believed individuals could discern religious truth by worshipping communally.

The sanctity and serenity of worship services has thus been central to Quaker congregations, or "Meetings," from the outset.

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<sup>10</sup> Rufus M. Jones, *The Faith and Practice of the Quakers* 24-25 (1927).

<sup>11</sup> Margret Fell Fox, *Quaker Writings: An Anthology* 44, 45 (Thomas D. Hamm ed., 2010).

“Unprogrammed” Quakers, who constitute the majority of the members of Quaker Plaintiffs, remain silent in worship to facilitate communion with God. Communal silence prevails until someone feels “led” by God to deliver spoken ministry to the gathered assembly.

Quakers also believe they are called by God to provide witness to their beliefs through their public actions, which they consider “testimonies” to their faith.<sup>12</sup> As British Quaker Studies Professor Pink Dandelion has explained, Quaker “testimonies can be defined, historically, as the consequences of the spiritual life in everyday life.”<sup>13</sup> For example, taking literally Jesus’s command that people should “not swear at all”<sup>14</sup> meant Quakers would not swear oaths. Believing that all people are spiritually equal meant Quakers allowed women to hold positions of religious leadership.<sup>15</sup> Quakers announced to the English government that they rejected “all outward wars and strife and fightings

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<sup>12</sup> *Testimony*, Quaker.org (last visited Sept. 25, 2025), <http://quaker.org/testimony/> (“Quaker testimony is best understood as the public witness of an inward faith of both individual and community. It is the consequence of one’s relationship to God and the outworking of that relationship in one’s life.”).

<sup>13</sup> Pink Dandelion, *An Introduction to Quakerism* 221 (2007).

<sup>14</sup> *Matthew* 5:34 (King James).

<sup>15</sup> Rosemary Moore, *The Oxford Handbook of Quaker Studies* 13, 19 (Ben Pink Dandelion & Stephen W. Angell eds., 2013).

with outward weapons, for any end or under any pretense whatsoever.”<sup>16</sup>

This strict adherence to pacifism would come to be called the Peace Testimony.

**1. Quaker beliefs require them to value “that of God in Everyone,” regardless of nationality, citizenship, or immigration status**

From an early date, Quakers emphasized the capacity of each individual to experience God themselves and taught that religious truth is not confined to a single person or community. In 1656, George Fox sent a letter urging Quakers to “be examples in all countries, places, islands, nations . . . to walk cheerfully over the world, answering that of God in every one.”<sup>17</sup> This openness to all was understood to mean that religious communities are broader than the national community. As early Quaker theologian Robert Barclay explained, “[u]nder [the] church . . . are comprehended all, and as many, of whatsoever nation, kindred, tongue or people they be.”<sup>18</sup>

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<sup>16</sup> George Fox and others, *supra* note 11, at 321, 322.

<sup>17</sup> “A Guided Light,” *Quaker Faith & Practice* 19.32 (Britain Yearly Meeting 5th ed. 2013), <http://qfp.quaker.org.uk/passage/19-32/> (last visited Dec. 30, 2025) (quoting George Fox).

<sup>18</sup> Robert Barclay, *Apology for the True Christian Divinity* 232 (Quaker Heritage Press 2002).



Early Quakers emphasized that religious truth could arise from different languages and cultures. Barclay highlighted how Arabic philosophical writing could evidence the universal workings of the divine.<sup>19</sup> Colonial-era Quaker minister John Woolman wrote in his *Journal* about meeting with Papunehang, a chief of the Delaware Tribe, and sharing prayers in English and Delaware, with and without translation.<sup>20</sup>

During the twentieth century, Quakers stressed the dignity and equality of immigrants against nativist voices. Elisabeth B. Jones wrote to her fellow Quakers:

Voices are raised condemning the foreign-born for being such a “burden.” There is a tendency to make them responsible for every kind of crime and even for the economic depression itself. . . . It will need to be pointed out, perhaps it will even take courage, to remind us all that the foreign-born residents of this country have as much at stake as others, and are as much a part of the life of this country in times of stress as in times of prosperity.<sup>21</sup>

Today, many unprogrammed Quakers (including the majority of Quaker Plaintiffs) recognize a “testimony of equality” as one of the six

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<sup>19</sup> *Id.* at 165.

<sup>20</sup> John Woolman, *The Journal of John Woolman* 114 (Ernest Rays ed., J.M. Dent & Sons Ltd. 1910).

<sup>21</sup> Elisabeth B. Jones, *Another Phase of the Unemployment Problem*, 87 Friends’ Intelligencer 1029-30 (1930).

core values of Quakerism: Simplicity, Peace, Integrity, Community, Equality, and Stewardship.<sup>22</sup> The testimony of equality bars Quaker meetings from enacting any policy that might make non-U.S. citizens less welcome than citizens. It further prevents Quakers from taking actions that put any of their members at risk of government detention.<sup>23</sup> The government's policy of immigration enforcement in or near places of worship thus forces Quakers into a difficult choice between their beliefs: welcome attendance at services by all people, which puts some at risk; or protect noncitizens, which means excluding them from meetinghouses. Either option violates Quakers' firmly held beliefs.

**2. Quakers' beliefs compel them to take action to protect marginalized groups, including noncitizens and refugees**

Many contemporary Quakers adhere to a religious obligation to provide support and assistance to noncitizens who are at risk of detention

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<sup>22</sup> See, e.g., Conn. Friends Sch., *S-P-I-C-E-S: The Quaker Testimonies*, Friends J. (Sept. 20, 2010), <http://bit.ly/3G9XmFw>.

<sup>23</sup> Cf. Nancy Black Sagafi-Nejad, *Friends at the Bar: A Quaker View of Law, Conflict Resolution, and Legal Reform* 83-86 (2011) (Quaker organization brought suit because of religious objections to reporting the immigration status of their employees).

and deportation by the government.<sup>24</sup> They understand this obligation to flow from the longstanding history of Quakers providing aid to those subjected to persecution without regard to nationality, citizenship, or immigration status. Supporting disadvantaged persons is central to the religious calling of many Quakers.<sup>25</sup>

The history of Quaker commitment to the outcast is profound. Quakers, for example, are known for their longstanding rejection of slavery and opposition to slavery eventually became essential to Quakerism. Outspoken Quaker abolitionists were active by the beginning of the eighteenth century.<sup>26</sup> One such Quaker abolitionist, Benjamin Lay, performed dramatic protests against slavery.<sup>27</sup> During one Quaker meeting, he produced a hollowed-out Bible, filled it with berry juice, and then stabbed it with a sword, making it appear that the

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<sup>24</sup> See *Quaker Statements on Just Migration*, Friends Comm. on Nat'l Legis. (Mar. 6, 2025), <http://www.fcnl.org/updates/2025-03/quaker-statements-just-migration>.

<sup>25</sup> Isaac Barnes May, *God-Optional Religion in Twentieth-Century America: Quakers, Unitarians, Reconstructionist Jews, and the Crisis over Theism* 188-89 (2023).

<sup>26</sup> Brycchan Carey & Geoffrey Plank, *Quakers and Abolition* 1, 3-4 (Brycchan Carey & Geoffrey Plank eds., 2014).

<sup>27</sup> Marcus Rediker, *Radical Abolitionist Benjamin Lay Reclaimed by Quakers 279 Years Later*, Verso (Nov. 22, 2017), <http://bit.ly/42fRamR>.

Bible was bleeding. Lay then proclaimed: “Thus shall God shed the blood of those persons who enslave their fellow creatures.”<sup>28</sup> Quaker abolitionist John Woolman urged Quakers and others to help the enslaved and those in dire situations: “[I]n Divine Love the Heart is enlarged towards Mankind universally, and prepar’d to sympathize with Strangers, though in the lowest Station in Life.”<sup>29</sup>

American Quakers banned slaveholding in their society before the ratification of the Constitution and eventually disowned those Quakers who refused to emancipate those they held in bondage.<sup>30</sup> Framers of the Constitution John Dickinson, strongly influenced by Quakerism, declared that laws permitting slavery were illegitimate.<sup>31</sup> Later Quakers defied the law to express their opposition to slavery. Levi Coffin, a leader

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<sup>28</sup> Marcus Rediker, *You’ll Never Be as Radical as this 18th-Century Quaker Dwarf*, N.Y. Times (Aug. 12, 2017), <http://bit.ly/426NYLK> (quoting Benjamin Lay).

<sup>29</sup> Woolman, *supra* note 20, at 230.

<sup>30</sup> See, e.g., Jean R. Soderlund, *Quakers and Slavery: A Divided Spirit* 87, 103, 147, 150, 177 (1984). See generally *Quakers and Abolition*, *supra* note 26; Thomas E. Drake, *Quakers and Slavery In America* (1950).

<sup>31</sup> Jane E. Calvert, *Penman of the Founding: A Biography of John Dickinson* 284, 346-47, 365, 429 (2024).

of the Underground Railroad in Ohio,<sup>32</sup> recalled defending his activism to a skeptical neighbor: “I asked if he thought the Good Samaritan had stopped to inquire whether the man who fell in among thieves was guilty of any crime before he attempted to help him?”<sup>33</sup> For modern Quakers, these abolitionist Friends epitomize the care that should be offered to immigrants today.

Quakers’ sense of obligation to aid the disadvantaged extends to the displaced as well. The American Friends Service Committee (“AFSC”) was created during World War I to help rebuild Europe, feeding more than five million German children and providing food to address famine throughout the Soviet Union.<sup>34</sup> During World War II, Quakers provided assistance to more than 8,000 children fleeing the Nazi regime.<sup>35</sup> They also helped connect refugees with Americans willing to sponsor their

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<sup>32</sup> R.J.M. Blackett, *Abductors/Liberators and the Underground Railroad*, 91 J.S. Hist. 5, 7 (2025).

<sup>33</sup> Levi Coffin, *supra* note 11, at 242, 244-45.

<sup>34</sup> Guy Aiken, *Feeding Germany: American Quakers in the Weimar Republic*, 43 Diplomatic Hist. 597, 597 (2019); David W. McFadden, *The Politics of Relief: American Quakers and Russian Bolsheviks, 1917-1921*, 86 Quaker Hist. 1 (1997).

<sup>35</sup> Marion A. Kaplan, *Between Dignity and Despair: Jewish Life in Nazi Germany* 117 (1999).

immigration<sup>36</sup> and housed immigrants until they could find employment and settle permanently.<sup>37</sup> The AFSC and British Friends Service Committee received the Nobel Peace Prize in 1947 for their humanitarian work.<sup>38</sup>

Many American Quakers opposed Japanese internment.<sup>39</sup> Quaker lawyer Harold Evans represented Quaker Gordon Hirabayashi in a suit against the federal government challenging Hirabayashi's arrest for violating a curfew established for Japanese Americans.<sup>40</sup> Quaker-run Earlham College in Indiana allowed Japanese students to enroll, which caused local protests. Despite the outcry, the college's president, William Dennis, stood firm: "If we do not do our best to help these students, I do not see why we should be called a Quaker college."<sup>41</sup>

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<sup>36</sup> Allan W. Austin, *Quaker Brotherhood: Interracial Activism and the American Friends Service Committee, 1917-1950* 116 (2012).

<sup>37</sup> *Id.* at 113-26.

<sup>38</sup> Katherine Murray, *The Cambridge Companion to Quakerism* 88, 93 (Stephen W. Angell & Pink Dandelion eds., 2018).

<sup>39</sup> Isaac Barnes May, *American Quaker Resistance to War, 1917-1973: Law, Politics, and Conscience* 53 (2022).

<sup>40</sup> Gordon K. Hirabayashi, *A Principled Stand: The Story of Hirabayashi v. United States* (2013).

<sup>41</sup> Jordan R. Humphrey, *Liberal Arts Colleges in the Tumultuous 1940s: Institutional Identity and the Challenges of War and Peace* 139 (2010) (Ph.D. dissertation, Pennsylvania State University).

In 1980, Quakers in Arizona were pivotal in creating the Sanctuary Movement, which assisted refugees from Latin America, many of whom were undocumented. By 1985, thirty-nine Quaker meetings across the United States listed themselves as Sanctuary Meetings. A 1985 statement from the Atlanta Monthly Meeting explained: “We understand that deporting refugees back to Central America often means their torture and death. And to us this is a great evil. Our help will serve as a witness as we carry on our Testimony to the deepest part of our Faith.”<sup>42</sup> Quaker James Corbett, one of the founders of the Sanctuary Movement, explained that his activism for immigrants was part of being faithful to “the Peaceable Kingdom,” a religious vision of a harmonious future depicted in the Book of Isaiah.<sup>43</sup>

This history compellingly demonstrates that it is a core tenet of the Quaker faith to provide aid to the downtrodden and allow all to worship regardless of nationality, citizenship, or immigration status.<sup>44</sup> The

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<sup>42</sup> Linda Rabben, *The Quaker Sanctuary Tradition*, 9 Religions 155 (2018), <http://www.mdpi.com/2077-1444/9/5/155> (quoting Atlanta Monthly Meeting Statement).

<sup>43</sup> *Id.*

<sup>44</sup> Nathan Layne, *Immigrant Faithful Turn to Virtual Sermons and Home Communion amid Trump Crackdown*, Reuters (Sept. 7,



nineteenth-century Quaker feminist and abolitionist Lucretia Mott held that an ethic of service was as important as religious belief, observing: “It is time that Christians were judged more by their likeness to Christ than their notions of Christ.”<sup>45</sup> A century later, civil rights leader Bayard Rustin would paraphrase the First Epistle of John, asking his fellow Quakers: “How can we love God, whom we have not seen, if we cannot, in time of crisis, find the way to love our brothers whom we have seen?”<sup>46</sup> For Friends, providing a welcoming community to everyone, irrespective of immigration status and nationality, is a *necessary expression* of their theological doctrine.

## **II. The threat of apprehending immigrants in places of worship significantly burdens the exercise of Quakers’ religious beliefs**

The revocation of DHS’s Protected Areas Guidelines substantially burdens Quakers sincerely held beliefs. The threat of immigration

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2025), <http://www.reuters.com/world/us/immigrant-faithful-turn-virtual-sermons-home-communion-amid-trump-crackdown-2025-09-07/>.

<sup>45</sup> Lucretia Mott, *A History of Preaching* 448, 448 (O.C. Edwards Jr. ed., 2016).

<sup>46</sup> Bayard Rustin, *In Apprehension How Like a God!*, Quaker Pamphlets (last visited Nov. 22, 2025), <http://quaker.org/legacy/pamphlets/wpl1948a.html> (paraphrasing 1 *John* 4:20).

enforcement therefore infringes Quaker Plaintiffs' constitutional and legal entitlements even in the absence of an actual raid on a Quaker meeting. The rescission of the Guidelines has tangible effects even before a Quaker meetinghouse is actually raided, as the specter of a raid alters how Quakers worship and who may attend meetings. Simply put, so long as DHS may legally raid a Quaker meetinghouse, religious exercise is affected.

Plaintiffs need not await the consummation of threatened immigration enforcement at places of worship to establish Article III injury or bring a pre-enforcement challenge. The rescission of the Protected Areas Guidelines has inhibited Friends from participating in Quaker meetings, which constitutes a cognizable injury. *See Presbyterian Church (U.S.A.) v. United States*, 870 F.2d 518, 523 (9th Cir. 1989) (citing *NAACP v. Patterson*, 357 U.S. 449, 463-65 (1957)) (recognizing that government conduct deterring participation in religious activities constitutes an Article III injury to religious organizations). Furthermore, the risk of future immigration enforcement at meetings undermines Quakers' ability to adhere to their religious tenets.

Plaintiffs’ “actual and well-founded fear” of future enforcement suffices to establish an injury-in-fact for a pre-enforcement challenge, *Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 160 (2014), especially where, as here, the government “has not disavowed any intention” of enforcement against them, *Babbitt v. United Farm Workers Nat’l Union*, 442 U.S. 289, 302 (1979). So long as the new policy remains in effect, Plaintiffs are entitled to preliminary relief.

### **1. The policy change alters how Quakers worship**

The rescission of the Guidelines imposes a significant burden on Quakers because their beliefs reject status distinctions based on nationality, citizenship, or immigration status. This core precept precludes Quakers from excluding current or prospective members from worship based on a lack of documentation. A Quaker meeting that must either turn away undocumented immigrants for their own safety or endanger them by inviting them to worship and risk being apprehended cannot embrace the inclusiveness their faith demands.

The rescission of the Protected Areas Guidelines has already had concrete effects on Quakers’ worship. It has required Quakers to train their members how to deal with ICE, close spaces in meetinghouses from

the public, and appoint officials to deal with the government.<sup>47</sup> Many religious communities have also been forced to change their worship to address the government's policies; Roman Catholics, for example, took the extreme course of suspending the obligation to attend mass in certain areas of the country.<sup>48</sup> Some religious groups offer ad hoc online options to attend services to minimize the risk of armed raids by the government.<sup>49</sup> This significantly burdens the free exercise of religion because "remote viewing [of religious services] is not the same as

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<sup>47</sup> See *What to Do if ICE Shows Up at Your Quaker Meeting*, Phila. Yearly Meeting (Feb. 12, 2025), <http://bit.ly/4i9ylb9>.

<sup>48</sup> Thao Nguyen and Michael Loria, *Southern California Bishop Suspends Weekly Mass Obligation over Immigration Raid Fears*, USA Today (July 10, 2025), <http://www.usatoday.com/story/news/nation/2025/07/10/california-bishop-suspends-mass-obligation-immigration-fears/84527708007/>; Gina Christian, *Baton Rouge Bishop Suspends Mass Obligation amid ICE Crackdown*, Catholic Review (Dec. 8, 2025), <http://catholicreview.org/baton-rouge-bishop-suspends-mass-obligation-amid-ice-crackdown/>.

<sup>49</sup> David Crary, *Churches Are Holding Empty Services Because People Are Too Afraid of ICE Agents Barging in to Arrest Refugees and Immigrants*, Fortune (Feb. 11, 2025), <http://fortune.com/2025/02/11/trump-ice-immigration-religious-groups-lawsuit-migrants-arrests-churches-synagogues/>; Aleja Hertzler-McCain, *In Congregations, Fear, Misinformation and Preparation After ICE Policy Change*, Religion News Serv. (Jan. 28, 2025), <http://religionnews.com/2025/01/28/in-congregations-fear-misinformation-and-preparation-after-ice-policy-change/>.

personal attendance.” *Roman Cath. Diocese of Brooklyn v. Cuomo*, 592 U.S. 14, 19 (2020) (per curiam). This is particularly true of Quakers, who experience God through communal silence.

The revocation of the Guidelines strips Quaker meetings of the constitutional and statutory protections to which they are entitled. See *Emp. Div. v. Smith*, 494 U.S. 872, 877-78 (1990) (“[T]he ‘exercise of religion’ often involves not only belief and profession but the performance of (or abstention from) physical acts: assembling with others for a worship service . . . .”). The specter of raids changes Quaker practice, but even if the only impact was the raids themselves that would still burden Quaker practice because religious groups “are irreparably harmed by the loss of free exercise rights ‘for even minimal periods of time.’” *Tandon v. Newsom*, 593 U.S. 61, 64 (2021) (per curiam) (quoting *Cuomo*, 592 U.S. at 19).

## **2. The policy change affects how Quakers define membership and ministry**

Religious associations are entitled to regulate themselves, free from government interference. 42 U.S.C. § 2000bb-1(a) (“Government shall not substantially burden a person’s exercise of religion even if the burden results from a rule of general applicability . . . .”). The rescission of the

Protected Areas Guidelines harms Quakers' religious autonomy by restricting their ability to choose their membership. *See Kedroff v. St. Nicholas Cathedral of Russian Orthodox Church in N. Am.*, 344 U.S. 94, 114 (1952) ("The right to organize voluntary religious associations to assist in the expression and dissemination of any religious doctrine . . . and for the ecclesiastical government of all the individual members, congregations, and officers within the general association, is unquestioned."). Quakers must now fear that welcoming noncitizens among their members will lead to armed government raids, frustrating Quaker belief in human equality and their commitment to the acceptance of all.

Many Quakers believe that every participant in a meeting for worship holds a ministerial role and is capable of ministering to the group. Quaker theologian Elton Trueblood once observed that Quakers had not abolished clergy; rather, they abolished the laity.<sup>50</sup> By limiting who may participate in worship without fear of armed government raids the government infringes on Quakers right to assemble, thus the current Homeland Security policy effectively dictates who can and cannot offer

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<sup>50</sup> Thomas D. Hamm, *The Quakers in America* 93 (2003).

ministry within Quakerism. Noah Merrill, the General Secretary of the New England Yearly Meeting of Friends, explains that the DHS policy “robs the worshipping communities, regardless of immigration status, of the opportunity to benefit from the gifts in the ministry of people who might be prevented from participating.”<sup>51</sup>

The Supreme Court has unanimously recognized that it is unconstitutional for the government to have any role in the selection of ministers, yet the new policy here has the effect of limiting who can provide Quaker ministry. This is doubly problematic because the Free Exercise Clause “protects a religious group’s right to shape its own faith and mission through its appointments.” *Hosanna-Tabor Evangelical Lutheran Church & Sch. v. E.E.O.C.*, 565 U.S. 171, 188 (2012). Allowing the state to determine “which individuals will minister to the faithful also violates the Establishment Clause.” *Id.* Indeed, the Supreme Court held over a century ago that general immigration statutes should not be read to restrict the movement of clergy. In *Church of the Holy Trinity v. United States*, the Court ruled that a statute barring the employment of foreign laborers did not apply to a pastor, reasoning that Congress never

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<sup>51</sup> “*Quakers vs. ICE*”, *supra* note 9 (quoting Noah Merrill).



intended to target religion when regulating immigration. 143 U.S. 457, 472 (1892).

**3. The policy change authorizing officers to bring weapons into meetings violates core Quaker beliefs about peace**

The end of the Protected Areas Guidelines means that government agents who entering Quaker meetings to conduct immigration raids will almost certainly be armed. For most Quakers, the use of arms is contrary to their fundamental religious beliefs. Justice Scalia explained, “Quakers opposed the use of arms not just for militia service, but for any violent purpose whatsoever—so much so that Quaker frontiersmen were forbidden to use arms to defend their families.” *District of Columbia v. Heller*, 554 U.S. 570, 590 (2008). To bring weapons that are anathema to Quakers into meetinghouses would severely disrupt worship and fellowship among Friends.

The opposition to bearing weapons and the use of force dates to early Quakers in the seventeenth century. In 1678, Quaker theologian Robert Barclay wrote that anyone reconciling violence with the teachings of religion had “found a way to reconcile God with the devil, Christ with

Antichrist, Light with darkness, and good with evil.”<sup>52</sup> English Quaker leader and abolitionist Joseph Sturge worked to pass resolutions against arming police.<sup>53</sup> Modern Quakers have maintained this opposition to weapons by urging members to even consider not calling the police in emergencies, lest armed officers arrive.<sup>54</sup> While law enforcement do sometimes enter Quaker meetings in extreme circumstances, allowing armed immigration raids of Quaker services raises the prospect that the presence of armed government agents becomes a regular occurrence.

### **III. The threat of armed raids on Quaker meetings echoes the historic religious persecution that forced Quakers to flee England**

Appreciating the impact that the prospect of armed immigration raids has on Quakers requires an understanding of the long history of official repression seeking to punish Quakers for their religious beliefs. From at least the mid- seventeenth century, Quakers faced intense persecution by the English government for their nonconforming theology.

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<sup>52</sup> Barclay, *supra* note 18, at 468.

<sup>53</sup> Stephen Hobhouse, *Joseph Sturge: His Life and Work* 116 (1919).

<sup>54</sup> *Think Twice Before Calling the Police*, Quaker Speak (May 9, 2024), <http://quakerspeak.com/video/think-twice-before-calling-the-police/>.

The Religious Society of Friends endured agents of the English government entering their meetings, arresting their members, and restricting their ability to worship freely.<sup>55</sup> Friends' property was seized and they were subjected to discriminatory legislation such as the Quaker Act of 1662, which targeted people who refused oaths or gathered together to worship outside the established church.<sup>56</sup> During Charles II's reign, 11,000 Quakers were imprisoned, with as many as 450 dying in custody.<sup>57</sup>

More than a century before the founding of the United States, Quakers began immigrating to North America in search of freedom to worship free from government intrusion. Quakers settled mainly in Pennsylvania and New Jersey, in large part to avoid religious oppression in other colonies.<sup>58</sup>

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<sup>55</sup> Rosemary Moore, *The Light in Their Consciences: Early Quakers in Britain, 1646-1666* 185 (2020 ed.).

<sup>56</sup> Rosemary Moore, *The Quakers, 1656-1723: The Evolution of an Alternative Community* 8, 23 (Richard C. Allen & Rosemary Moore eds., 2018).

<sup>57</sup> Robynne Rogers Healey, *supra* note 38, at 13, 19.

<sup>58</sup> Michael W. McConnell, *The Origins and Historical Understanding of Free Exercise of Religion*, 103 Harv. L. Rev. 1409, 1425 (1990).

The Puritan founders of New England persecuted Quakers for their beliefs. The Massachusetts Bay Colony criminalized Quaker worship and hanged four Quakers, later referred to as the “Boston Martyrs.”<sup>59</sup> William Penn, a Quaker and the founder of Pennsylvania, wrote in defense of religious liberty and envisioned the colony as a haven for people of diverse faiths.<sup>60</sup> It became an early shelter for religious dissenters.<sup>61</sup>

Religious liberty, as it evolved in the United States, aimed to safeguard the freedom of communities like the Quakers to practice their faith. At the founding, several state constitutions included provisions that specifically protected Quaker practices. New York’s constitution allowed Quakers as a group to be conscientious objectors, while the Pennsylvania Declaration of Rights allowed conscientious objection to

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<sup>59</sup> Madeleine Ward, *Transformative Faith and the Theological Response of the Quakers to the Boston Executions*, 21 *Quaker Studies* 15, 15-16 (2016); McConnell, *supra* note 58, at 1423.

<sup>60</sup> William Penn, *The Great Case of Liberty of Conscience Once More Briefly Debated & Defended ... which may serve the place of a general reply to such late discourses as have oppos’d a toleration* 4 (1670), <http://name.umd.umich.edu/A54146.0001.001>.

<sup>61</sup> Sydney E. Ahlstrom, *A Religious History of the American People* 212 (1972).

military service.<sup>62</sup> The constitutions of Delaware, Maryland, and South Carolina permitted those with scruples to make affirmations instead of swearing oaths, with Maryland explicitly recognizing Quakers as a community that forbade oaths-taking.<sup>63</sup>

During the American Revolution, the Continental Congress passed a resolution allowing conscientious objection in order to protect Quakers and a handful of other groups.<sup>64</sup> When drafting the Constitution the framers ensured that Quaker beliefs and practices were respected. The Constitution prohibits religious tests and officials have the option to affirm rather than swear oaths.<sup>65</sup> After assuming the presidency, George Washington wrote to the Philadelphia Yearly Meeting to assure Quakers they would be protected in the new nation.<sup>66</sup>

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<sup>62</sup> Michael J. DeBoer, *Christianity and the Laws of Conscience: An Introduction* 305, 316 (Helen M. Alvare & Jeffrey B. Hammond eds., 2021).

<sup>63</sup> *Id.* at 316-317.

<sup>64</sup> Joel A. Nichols & John Witte, *Religion and the American Constitutional Experiment* 73 (3d ed. 2010).

<sup>65</sup> U.S. Const. art. VI, cl. 3; see Michael I. Meyerson, *Endowed by Our Creator: The Birth of Religious Freedom in America* 147 (2012).

<sup>66</sup> George Washington, *The Papers of George Washington, Presidential Series* 265, 265-69 (Dorothy Twohig ed., 1993), available at <http://bit.ly/42fWqqI>.

The end of the Protected Areas Guidelines raises the specter of armed government agents raiding Quaker meetings—reprising ancient horrors that Quakers hoped were confined to the past. Modern Quakers, like their forebearers, must now be cautious that their gatherings could be subjected to armed government intrusion at any time. As reflected in the Charter granted by William Penn to the people of Pennsylvania, Quakers have long believed that “[n]o people can be truly happy, though under the greatest enjoyment of civil liberties, if abridged of the freedom of their consciences as to their religious profession and worship.”<sup>67</sup> The new Homeland Security policy means Quakers’ ability to worship freely is no longer secure.

## CONCLUSION

Over a century before the founding of the United States, Quakers understood North America to be a refuge. Since the founding, they have valued the religious liberty that the Constitution has guaranteed. In turn, as Justice Black observed, “the Quakers have had a long and

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<sup>67</sup> *Charter of Privileges Granted by William Penn, Esquire, to the Inhabitants of Pennsylvania and Territories* (Oct. 28, 1701), The Avalon Project (last visited Dec. 30, 2025) [http://avalon.law.yale.edu/18th\\_century/pa07.asp](http://avalon.law.yale.edu/18th_century/pa07.asp).

honorable part in the growth of our nation.” *In re Summers*, 325 U.S. 561, 575 (1945) (Black, J. dissenting). The recission of the Protected Areas Guidelines significantly burdens Quakers’ deeply held religious beliefs and threatens the religious liberties the Constitution guarantees.

For the foregoing reasons, the Court should affirm.

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## CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rules of Appellate Procedure 29, 32(a), and 32(g), the undersigned counsel for certifies that this brief:

1. This brief complies with the type-volume limitation of Fed. R. App. P. 29(a)(5) because it contains 6,035 words, including footnotes, but excluding the parts of the brief exempted by Fed. R. App. P. 32(f).

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/s/ Andrew T. Tutt

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing brief was filed electronically on January 5, 2026 and will, therefore, be served electronically upon all counsel.

/s/ Andrew T. Tutt

ANDREW T. TUTT

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UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
**APPEARANCE OF COUNSEL FORM**

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☐ Retained ☐ Court-appointed(CJA) ☐ CJA associate ☐ Court-assigned(non-CJA) ☐ Federal Defender

☒ Pro Bono ☐ Government

COUNSEL FOR: Isaac Barnes May; Stephen Angell; Jane Calvert; Thomas D. Hamm; Julie

Holcomb; Andrew Taylor; David Watt as the  
 (party name)

☐ appellant(s) ☐ appellee(s) ☐ petitioner(s) ☐ respondent(s) ☒ amicus curiae ☐ intervenor(s) ☐ movant(s)

/s/ Andrew T. Tutt  
 (signature)

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January 5, 2026  
 Date