No. 23-2020

IN THE

Supreme Court of the United States

HOWARD SPRAGUE,
Petitioner,

v.

STATE OF NORTH GREENE,
Respondent.

ON WRIT OF CERTIORARI FOR THE UNITED STATES COURT OF APPEALS FOR THE FOURTEENTH CIRCUIT

BRIEF IN SUPPORT OF PETITIONER

Counsel for Petitioner

TEAM 21

Questions Presented

I. Whether a law that censors conversations between counselors and clients as "unprofessional conduct" violates the Free Speech Clause of the First Amendment of the United States Constitution?

II. Whether a law that primarily burdens religious speech is neutral and generally applicable, and if so, whether the Court should overrule *Employment Division v. Smith*, 494 U.S. 872 (1990)?

Parties to the Proceeding

The parties to the present proceeding are the State of North Greene, the Respondent, and Howard Sprague, the Petitioner.

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The opinion from the United States Court of Appeals for the Fourteenth Circuit is unreported and can be found under Case No. 22-1023.

Statement of the Case

I. Statement of the Facts and Procedural History

Howard Sprague ("Petitioner") is a licensed family therapist who has served his community for more than twenty-five years, helping clients with various issues including sexuality and gender identity. R. at 3. The Petitioner is a deeply religious person who practices the Christian faith. *Id.* Petitioner believes that human identity is grounded in "God's design" and thinks that the sex that each person is assigned at birth is "a gift from God" and should not be changed. *Id.* Many of Petitioner's clients share Petitioner's religious viewpoints and seek out his specialized assistance as a Christian provider of family therapy services. *Id.* Petitioner brought an action against the State of North Greene ("Respondent") alleging that North Greene Statute § 106(d) violates Petitioner's free speech and free exercise rights under the First Amendment of the United States Constitution. R. at 5.

Respondent enacted a law prohibiting health care providers operating under a state license from practicing conversion therapy on minors. *Id.* Conversion therapy is categorized as any "therapeutic practices and psychological interventions that seek to change a person's sexual orientation or gender identity." R. at 3. Respondent requires that health care providers be licensed before they may practice in North Greene. *Id.* Title twenty-three (23) of the North Greene General Statutes, which regulate business professions, chapter forty-five (45), titled "Uniform Professional Disciplinary Act" ("the Act"), lists what is "unprofessional conduct" for licensed health care providers. Engaging in any behavior on the list may subject a provider to disciplinary action. R. at 4. Therapists, counselors, and social workers who "work under the auspices of a religious denomination, church, or religious organization" are exempted from chapter forty-five's requirements. *Id.*

In 2019, the Respondent's legislature added to the list of unprofessional conduct stated in the Act. *Id.* Following the addition to the Act, a licensed health care professional performing conversion therapy on a patient under the age of eighteen would be subject to disciplinary action, as such therapy would be considered "unprofessional conduct". *Id.* North Greene Statute §106(e)(1)-(2) ("the Law") defines conversion therapy as "a regime that seeks to change an individual's sexual orientation or gender identity. The term includes efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same sex. The term includes but is not limited to, practices commonly referred to as "reparative therapy."" *Id.* The Law does not prohibit healthcare providers from communicating with the public about conversion therapy or expressing their views to patients of any age. *Id.*

The North Greene General Assembly's ("the Assembly") intent for enacting the Law was to regulate the professional conduct of licensed health care providers and to protect the physical and psychological well-being of minors, including lesbian, gay, bisexual, and transgender youth who may be exposed to the "serious harms" caused by conversion therapy. *Id.* The Assembly finds support for its position in the known opposition of the American Psychological Association ("APA") to conversion therapy in any stage of education of psychologists. *Id.*

Petitioner brought suit against Respondent in August 2022. *Id.* at 5. Petitioner sought a preliminary injunction, arguing that the Law violated the free speech and free exercise rights granted to him under the First Amendment of the United States Constitution. *Id.* Respondent opposed the injunction and filed a motion to dismiss Petitioner's complaint. *Id.* Although Petitioner had standing to assert his claims, the District Court denied Petitioner's motion for preliminary injunction and granted Respondent's motion to dismiss. *Id.* Petitioner appealed the

District Court's denial of Petitioner's motion for a preliminary injunction and the grant of the Respondent's motion to dismiss. *Id.* at 3. In its January 15, 2023, opinion, the Court of Appeals for the Fourteenth Circuit affirmed the District Court's decision on both issues, finding that Petitioner's First Amendment rights had not been violated. *Id.*

Summary of the Argument

> *While we are contending for our own liberty, we should be very cautious not to violate the rights of conscience in others, ever considering that God alone is the judge of the hearts of men, and to him only in this case they are answerable.*
>
> —George Washington, Letter to Benedict Arnold on Thursday, September 14, 1775

Speech is speech, and no amount of governmental sleight of hand can change that. Whether in the context of therapy or on the public streets, the First Amendment guarantees the right to free expression unbiased by state favoritism. Respondent endeavors transparently to bypass this fundamental right by calling speech "conduct," relying on a case from the 9th Circuit, *Pickup v. Brown*, 740 F.3d 1208 (9th Cir. 2014) (certiorari denied) that was in error when it was decided and continues to be starkly inconsistent with the Supreme Court's both prior and subsequent precedent in *Sorrell v. IMS Health Inc.*, 564 U.S. 552 (2011) and *Nat'l Inst. of Family & Life Advocates v. Becerra*, 138 S. Ct. 2361 (2018), among others. Because the statute at issue here restricts only certain types of speech, and because the restriction is entirely dependent upon such speech's content, the statute is presumptively unconstitutional. It must be subject to strict scrutiny—but this, it cannot withstand. N. Greene Stat. § 106(d) is not narrowly tailored, and Respondent has not even shown that N. Greene Stat. § 106(d) serves a compelling governmental interest, beyond the unsupported political stance of a single professional organization. This Court should reverse the decision of the 14th Circuit and find N. Greene Stat. § 106(d) unconstitutional.

The State cannot justify its attack on Mr. Sprague's free exercise rights by claiming its purpose in enacting 106(d) is to protect the psychological well-being of minors from the harms of conversion therapy. Such assertions ignore the most pressing Constitutional issue at stake in this case: whether the free exercise rights of a licensed therapist, in practice for more than

twenty-five years, must yield to a generalized interest in "protecting" minors whose parents seek out that therapist's services precisely because of his religious convictions. The answer must be a resounding no for at least three reasons.

First, the law is not neutral because it impacts only a select group of people holding religious convictions that sex is an immutable characteristic. Second, the statute is not one of general applicability because the circumstances in which it was enacted demonstrate that it was passed with religious animus towards those conservative Christians who believe conversion therapy is a legitimate and spiritually sound way to combat gender dysphoria. Finally, the historical underpinnings of the Constitution illuminate the Drafters' intent that the free exercise clause provides broad protections to those acting upon their religious convictions.

Argument

I. N. GREEN STAT. § 106(d) IS UNCONSTITUTIONAL BECAUSE ONE MUST LOOK TO THE CONTENT OF THE MESSAGE TO DETERMINE THE STATUTE'S APPLICABILITY.

The First Amendment prevents the government from banning categories of speech. U.S. Const. amend. I. "Congress shall make no law… abridging the freedom of speech. *Id*. At its core, the First Amendment protects a person's right to express his or her beliefs, no matter how controversial. *Turner Broad. Sys. v. FCC*, 512 U.S. 622, 641, 114 S. Ct. 2445, 2458 (1994). Respondent's true motives for enacting the law in question is their disagreement with the message being conveyed by Petitioner and others who share his views. This is the exact evil the First Amendment was designed to guard against, and for two reasons, N. Greene Stat. § 106(d) cannot survive judicial scrutiny. First, Petitioner only engages in talk therapy, which is subject to the highest level of First Amendment protection. Second, one cannot determine whether a licensed professional violates the law without looking at the content of the message being conveyed. Content-based regulations are subject to the highest level of scrutiny, requiring a showing of narrow tailoring to a compelling governmental interest. *Wollschlaeger v. Governor*, 848 F.3d 1293, 1308 (11th Cir. 2017). Respondent has not made and cannot make such a showing.

A. Petitioner only provides talk-therapy to his clients, thereby only engaging in speech.

Verbal communication is exactly that: verbal communication. Respondent's arguments rely on the illogical conclusion that speech to a patient is not speech—that it is instead conduct. "Speech is speech," and it must be analyzed that way for the purpose of First Amendment challenges. *King v. Governor of N.J.*, 767 F.3d 216, 229 (3d Cir. 2014). The government does not have free authority to declare certain categories of speech undeserving of First Amendment

protection. *United States v. Stevens*, 559 U.S. 460, 472, 130 S. Ct. 1577, 1586 (2010). The statute before this court is almost identical to a statute that came before the Eleventh Circuit in 2020. *Otto v. City of Boca Raton*, 981 F.3d 854 (11th Cir. 2020).

The *Otto* case presents markedly analogous facts to the case at bar. There, the city of Boca Raton and Palm Beach County prohibited therapists from engaging in counseling directed at changing a minor's sexual orientation or gender identity. *Id.* at 859. Two therapists challenged the ordinance, contending it impermissibly infringed on their First Amendment constitutional right to speak freely with clients. *Id.* The United States Court of Appeals for the Eleventh Circuit did not mince words: "We understand and appreciate that the therapy is highly controversial. But the First Amendment has no carveout for controversial speech. We hold that the challenged ordinance violates the First Amendment because they are content-based regulations of speech that cannot survive strict scrutiny." *Id*.

The facts here mirror those which warranted reversal in *Otto*. The cities in *Otto* intended to prevent serious health risks to minors and only applied to "any person licensed by the State of Florida to provide professional counseling to minors with an exclusion for members of the Clergy." *Id.* The therapists in *Otto*, like Sprague, provided only "talk therapy" -- counseling conducted solely through speech. The *Otto* therapists argued that their clients typically have "sincerely held religious beliefs conflicting with homosexuality, and voluntarily seek counseling in order to live in congruence with their faith and to conform their identity, concept of self, attractions, and behaviors to their sincerely held religious beliefs." *Id.* at 850. The ordinance in *Otto* applied to purely speech-based therapy, similar to the law enacted by Respondent in here. *Id*. The court determined that, since the ordinance looked at what was being said, despite the communicative medium being speech *therapy*, the ordinance had to be examined under strict

scrutiny. *Id.* at 861. The fact that speech is professional in nature does not diminish the protections afforded to such speech under the First Amendment. *Nat'l Inst. of Family & Life Advocates v. Becerra*, 138 S. Ct. 2361, 2374 (2018).

Allowing the government to regulate the speech of professionals poses the risk that the government can expand what it considers to be "professional" speech to suppress ideas it does not agree with. *Id*. States may not choose what protection any given category of speech receives, as that would give states a powerful avenue to "impose invidious discrimination of disfavored subjects." *Id*. at 2375. In the case at bar, Petitioner engages in only verbal counseling. The petitioner does not employ any physical methods or treatments that involve physical activities while practicing. Furthermore, the Petitioner's status as a licensed professional should not diminish First Amendment protections that others' speech would receive. The form of therapy here is speech. Respondent cannot simply choose to treat it as something else and dodge fundamental rights in the process. This Court should analyze the statute in question as the restriction on free speech that it is.

B. N. Green Stat. § 106(d) must be examined under strict scrutiny because it bans certain speech based on content.

The First Amendment's principal purpose is to prevent the government from choosing messages it favors and disfavors, and then implementing laws to ban the disfavored message. *Police Dep't of Chi. v. Mosley*, 408 U.S. 92, 96, 92 S. Ct. 2286, 2290 (1972). Content-based regulations are laws that apply to particular speech because of the idea or topic being expressed. *Otto*, 981 at 862 (2020). These laws are presumptively invalid. *R. A. V. v. St. Paul*, 505 U.S. 377, 382, 112 S. Ct. 2538, 2542 (1992). A law that allows a certain message but bans another because of its words or topics is unconstitutional. The test to determine whether a law is content-based is

to ask whether authorities need to look at the content of the message to determine whether the law is violated. *McCullen v. Coakley*, 573 U.S. 464, 479, 134 S. Ct. 2518, 2531 (2014).

The regulation at issue focuses on content. It prevents a specific category of people—therapists—from conveying certain messages to their clients. Therapists may express their ideas to the public or recommend their clients to another professional in a different jurisdiction. They cannot, however, express their ideas to one of their own clients. The government cannot ban a certain message just because it disagrees with that message, and that is exactly what is going on here. Because this is a content-based regulation, it must survive a strict scrutiny analysis by showing that the law is narrowly tailored to serve a compelling state interest. *Reed v. Town of Gilbert*, 576 U.S. 155, 171, 135 S. Ct. 2218, 2231 (2015). N. Greene Stat. § 106(d) is not narrowly tailored, and the interest it serves is one of censorship. This court should find that Respondent has not met its burden under strict scrutiny.

C. Banning all forms of talk therapy is not narrowly tailored enough to survive strict scrutiny.

The government does not have unfettered power to restrict any idea it wants from children any more than it can restrict the same from adults. *Brown v. Entm't Merchs. Ass'n*, 564 U.S. 786, 794, 131 S. Ct. 2729, 2736 (2011). Respondent points only to the opinion of one professional body, that of the American Psychological Association ("APA"). Nothing in the record suggests any long-term studies were conducted regarding conversion therapy in North Greene, nor were any groups other than the APA consulted. Although Petitioner does not discredit the APA's medical skills, the APA does not wield the power to dispel the First Amendment. Furthermore, without hard facts and research to bolster medical skills, one cannot say that conversion therapy has long-lasting negative effects on minors. The lack of willingness to undertake long-term studies of the effects of conversion therapy before an unconstitutional ban only serves to further

call into question Respondent's motives in enacting N. Greene Stat. § 106, and it belies the claim that conversion therapy is truly harmful to minors.

II. N. GREEN STAT. § 106(d) DOES NOT PASS CONSTITUTIONAL MUSTER BECAUSE IT IS NEITHER NEUTRAL NOR GENERALLY APPLICABLE, AND THE REASONS FOR ITS ENACTMENT ARE NOT COMPELLING ENOUGH TO IMPINGE ON PETITIONER'S FREE EXERCISE RIGHTS.

North Greene's argument in favor of § 106(d) is premised on the notion that it is a neutral, generally applicable statute. This argument comes apart at its seams, however, when the impact of this law is considered: in practice, the statute overwhelmingly suppresses the rights of conservative Christians like Sprague. To uphold such a law would make a mockery of the founding principles upon which this nation was built—to ensure that the right of the people to freely exercise the religious beliefs of their choosing, without interference or suppression from the government, is protected.

The State's argument ignores this Court's precedents that religious beliefs need not be acceptable, logical, consistent, or comprehensible to merit First Amendment protection. *Church of the Lukumi Babalu Aye, Inc., v. City of Hialeah*, 508 U.S. 520, 531 (1993) (quoting *Thomas v. Review Bd. of Indiana Employment Security Div*., 450 U.S. 707. 714 (1981). This Court has time and time again held that any laws that burden religious practice must be of general applicability. *Employment Div., Dept. of Human Resources of Ore. v. Smith,* 494 U.S. 872 (1990). Where the law is not neutral, or not one of general applicability, it must withstand strict scrutiny and can be justified only by a compelling government interest, narrowly tailored to advance that interest. *Id*. Finally, the Free Exercise Clause mandates that "[l]egislators may not devise mechanisms, overt or disguised, designed to persecute or oppress a religion or its practices." *Id.* At 547 (1993).

N. Green Stat. § 106(d) is void because legislators enacted the law with religious animus toward those with sincerely held beliefs that a person's sex at birth is an immutable

characteristic, a gift from God. The law is not neutral because, in effect, it burdens a select group of people holding specific religious beliefs. Nor is it generally applicable, since with broad sweeps it punishes the practices of Mr. Sprague while allowing other forms of therapy that "provide acceptance" and "identity exploration." R. at 4.

A. N. Green Stat. § 106(d) is unconstitutional because it is not neutral.

The statute at issue does not pass constitutional muster because it is not neutral: it unfairly discriminates against Sprague's religious beliefs while making exceptions for other individuals. Regardless of a law's impact on secular activity, courts must assess if a law's impact on religious exercise is an incidental burden or a "targeted design." *Church of the Lukumi Babalu Aye, Inc., v. City of Hialeah*, 508 U.S. 520, 535 (1993). To determine whether the law was a "targeted design," courts inquire into the effect of a law in its real operation to determine legislative intent. *Id.* In *Lukumi*, the court considered the effect of a law challenged by those practicing Santeria, a religion which required its adherents to practice animal sacrifice. *Id.* The court's conclusion rested on the fact that in practice, the law prohibited very few killings of animals other than the Santeria sacrifice. Because of the city legislature's "careful drafting," killings in almost all other situations would go unpunished. *Id.* at 536. Killing for religious purposes was deemed unnecessary and thus a violation of the statute. *Id.* at 537. On the other hand, killing animals for food, for the purpose of pest control, or for euthanasia was acceptable. *Id.* Accordingly, the court determined that the religious practice of Santeria adherents was "being singled out for discriminatory treatment." *Id.* at 538.

The *Lukumi* court also considered the backdrop against which the city council passed the ordinance punishing animal sacrifices. *Id.* The ordinances at issue were passed in the wake of Santeria adherents making plans to construct a house of worship. *Id.* at 526. Not only did the city

enact the set of ordinances just over a month before the Santeria adherents obtained all building approvals for its house of worship, but the city council also noted at its "emergency public session" the city residents' concern that some religious practices "are inconsistent with public morals, peace or safety." *Id.* These sentiments, expressed in close temporal proximity to the time at which Santeria adherents had obtained building approvals to construct a house of worship, were sufficient for the court to state with conviction that "it cannot be maintained that city officials had in mind a religion other than Santeria." *Id.* at 535. The Court determined the city council enacted the statutes at issue with religious animus toward the Santeria and, as such, the statutes were void. *Id.*

The parallels between the religious animus directed toward the Santeria in *Lukumi* and Mr. Sprague in this case cannot be overstated. Here, as in *Lukumi,* Sprague professes deeply-held religious convictions which, to some in society, are controversial. The State agrees that the statute will burden a select group, conservative Christians like Mr. Sprague. Just as there was no doubt the law enacted in *Lukumi* was passed with the Santeria in mind, there can be no doubt that with so few licensed therapists practicing conversion therapy on minors in North Greene, the legislature had only a few members in mind.

Furthermore, the law cannot be neutral because there is evidence of religious animus against Sprague. The circumstances in which a law is passed offer evidence that a law is not facially neutral. *Masterpiece Cake Shop, Ltd. v. Colorado Civil Rights Commission*, 138 S.Ct. 1719 (2018). In *Masterpiece*, the court ruled that one legislator's description of "a man's faith as 'one of the most despicable pieces of rhetoric that people can use' is to disparage his religion in at least two distinct ways: by describing it as despicable, and also by characterizing it as merely rhetorical–something insubstantial and even insincere." *Id.* We have strikingly similar comments

from North Greene state senators. One remarked that his intent in supporting the passage of 106(d) was to eliminate "barbaric practices." Another senator vilified those who try to "pray the gay away" – a remarkably off-topic and irreverent comment which evinces a clear disdain (and misunderstanding) not only for those who pray, but to those who do believe, as a matter of religious conviction, that a person's assigned sex at birth should align with their gender identity.

B. N. Green Stat. § 106(d) is unconstitutional because it is not generally applicable.

North Greene's anti-conversion therapy statute is not generally applicable because it imposes a burden upon Mr. Sprague in a selective manner. Open-ended, purely discretionary standards allow discrimination against religious beliefs and are indicative that a statute is not generally applicable. *Stormans, Inc. v. Weisman*, 794 F.3d 1064 (9th Cir. 2015) ("*Stormans II*"). Laws are not generally applicable if they provide the government with a mechanism to provide individualized exemptions. *Fulton v. City of Philadelphia*, — U.S. —, 141 S. Ct. 1868 (2021). There is also no general applicability where a law prohibits religious conduct but permits secular conduct that undercuts the government's state interests. *Id.* at 1877.

The *Fulton* court upheld a challenge by a Catholic foster care center which was barred from contracting with the city because it would not certify same-sex couples to be foster parents. *Id.* Despite the weighty interests at stake—ensuring children without parents have guardians to care for them—the City could not offer a compelling reason why it should deny a religious exemption to the Catholic foster care. *Id.* at 1882. The foster care center did not seek to impose its beliefs on anyone else in the Philadelphia government—it only sought accommodation that would allow it to continue its mission of serving youth consistent with its religious beliefs. *Id.* Accordingly, the city's refusal to contract with the foster care constituted a violation of the Free Exercise Clause of the Constitution.

Here, as in *Fulton*, Sprague does not seek to impose his religious beliefs on anyone else. He merely asks for an accommodation to continue his more than twenty years of work in this field consistent with his own deeply held religious convictions. To uphold § 106(d) would be to mark a vast departure from the Court's precedents which "vigorously protect[] religious speech. *Kennedy v. Bremerton Sch. Dist.*, 142 S. Ct. 2407, 2421 (2022).

The statute permits selective enforcement. It punishes licensed practitioners like Sprague but allows others to engage in other forms of therapy that "provide acceptance, support…or the facilitation of clients' coping, social support." R. at 4. The text of the statute paints with strokes so broad as to make it unclear what type of therapy is permitted and what is to be punished. After all, there is no indication that Sprague is not providing support coping, or acceptance to his patients. In short, the broad language here provides North Greene with a mechanism to selectively enforce its law. This the State may not do.

C. N. Green Stat. § 106(d) is not justified by a compelling state purpose and thus cannot survive strict scrutiny.

North Greene claims 106(d) is aimed at protecting the physical and psychological well-being of minors against the serious harm caused by conversion therapy. The object of the law is not compelling at the outset. However, even if the Court were to consider this a compelling government interest, the law is void because (1) it is not narrowly tailored to achieve the stated interests and (2) the interest at stake cannot justify denying Sprague his constitutional right to freely exercise his Christian beliefs.

Finally, there is no support in the record for the assertion that allowing Sprague to practice his religious beliefs by engaging in conversion therapy will open the floodgates for new therapists to spring up in hopes to "test out" new, progressive methodologies on minors under the guise that it comports with their religious beliefs. This court considered such a policy argument

and made clear in *Wisconsin v. Yoder*, 406 U.S. 205 (1972), the importance of considering only sincerely held religious beliefs ("it cannot be overemphasized that we are not dealing with a way of life…by a group claiming to have discovered some 'progressive' or more enlightened process for rearing children for modern life"). Here, we are dealing with a man of solemn religious conviction, who has been employed in his profession for over two decades, and who is now professing a faith more than 2,000 years old. Undoubtedly, this man is entitled to his right to freely exercise his religion.

D. Historical underpinnings of the Free Exercise Clause indicate the Drafters' intent to supply broad protections to the free exercise of religion.

The State of North Greene's stated object for passing 106(d) is to protect the psychological and physical well-being of minors from the harms associated with conversion therapy. While this aim might be compelling, it must yield to the broad protections afforded by the Free Exercise Clause of the First Amendment. Historical understanding of the context in which the Free Exercise Clause was drafted makes clear that the Drafters intended to provide extensive safeguards to the words and actions taken by individuals on account of their professed beliefs.

By 1789, every state in the new nation except Connecticut adopted provisions in their state constitutions protecting religious freedom. *See* Michael W. McConnell, *The Origins and Historical Understandings of the Free Exercise Clause*, 103 Harvard L. Rev. 1409, 1455 (1989). The religious protection provisions embedded in state constitutions at the time the First Amendment was ratified underscore the intent of the Framers to include a free exercise clause protecting religious actions wide in breadth in several crucial ways. First, the term "exercise," found in the Maryland and New Hampshire state constitutions, was defined in dictionaries at the time to mean "action" or "practice." *Id.* at 1459. Those state constitutions used the term

"exercise" of religion rather than mere acts of "worship" which seems like a deliberate choice by the drafters—and one indicative of broad protection for religious speech and actions. *Id.* Next, the state constitution provisions limited the right to free exercise to actions that would not disturb the peace or safety of the state. *Id.* Georgia's state constitution, for example, stated that "All persons whatever shall have the free exercise of their religion; *provided it not be repugnant* to the peace and safety of the State." *Id.* at 1457 (emphasis added). This choice of language illuminates the Drafters' intent to ensure that, while not *all* actions might be upheld under the guise of religious purpose, most would be protected so long as they did not offend the safety of the State. *Id.* at 1464. James Madison argued that the right to free exercise is so tantamount that it should prevail in every case where it does not offend private rights. *Id.*

Under the parameters set forth by Drafters like Madison, then, the question becomes whether 106(d) is "repugnant" to private rights or to public safety and peace. The answer, of course, is no. Sprague has practiced as a family therapist for over 25 years and many of his clients seek his services *specifically because he holds himself out to be a therapist deeply committed to his Christian beliefs.* R. at 3.

Conclusion

For the foregoing reasons, Petitioner respectfully requests that this Court reverse the judgment for the U.S. Court of Appeals for the Fourteenth Circuit on both issues and find that N. Green Stat. §106(d) infringes on Petitioner's First Amendment rights. The First Amendment protects a person's right to express his or her beliefs, no matter how controversial. The government cannot ban a certain message just because it disagrees with that message, and because this is a content-based regulation, it has to survive a strict scrutiny analysis by showing that the law is narrowly tailored to serve a compelling state interest. This Court should find that Respondent has not met its burden under strict scrutiny.

Further, this Court should find that N. Green Stat. 106(d) does not pass constitutional muster because it is neither neutral nor generally applicable. The reasons for the law's enactment are not compelling enough to impinge on the Petitioner's free exercise rights because the statute overwhelmingly suppresses the rights of conservative Christians like the Petitioner. To uphold such a law would make a mockery of the founding principles upon which this nation was built—to ensure that the right of the people to freely exercise the religious beliefs of their choosing, without interference or suppression from the government, is protected.