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New York Supreme Court

Appellate Division—First Department

BISHOP DAVID, FR. GREGORY SAROUFEEM, ST. MARY & ST. MARK COPTIC
ORTHODOX CHURCH, AND COPTIC ORTHODOX DIOCESE OF NEW YORK AND NEW
ENGLAND,

Non-Party Appellants,

-against -

LAMIA FUNTI,

Respondent-Plaintiff,

MARCUS ANDREWS,

Respondent-Defendant.

**BRIEF OF AMICI CURIAE MANHATTAN GRACE TABERNACLE,
GENERAL CONFERENCE OF SEVENTH-DAY ADVENTISTS, THE
JURISDICTION OF THE ARMED FORCES AND CHAPLAINCY, AND
THE NEW YORK METRO COUNCIL FOR ISLAMIC HOUSES OF
WORSHIP**

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INTERESTS OF AMICUS CURIAE

Amici Curiae Manhattan Grace Tabernacle, General Conference of Seventh-day Adventists, Jurisdiction of the Armed Forces and Chaplaincy of the Anglican Church in North America, and the New York Metro Council for Islamic Houses of Worship are religious organizations with members or affiliates located in New York City. Each Amici has a strong interest in protecting the First Amendment's religious-liberty guarantee both for themselves, the people they serve, and all religious adherents nationwide. None of the Amici have a financial interest in the pending litigation.

SUMMARY OF ARGUMENT

This appeal is about two critical promises made to religious organizations in the First Amendment: first, the freedom of churches and other religious organizations to make decisions about matters of faith without review by civil authorities, including judges; and second, the ability to avoid time-consuming, costly, divisive, and distracting interference in their affairs by those same civil authorities. As the Appellants have well-described in their briefing, the trial court violated both of these guarantees by second-guessing doctrinal decisions made by the Coptic Orthodox Diocese of New York and New England ("Diocese") and St. Mary & St. Mark Coptic Orthodox Church ("Local Church") with respect to theological matters such as whether a blessing ceremony was also a marriage

ceremony, forcing testimony of church leaders, pitting leaders of the Diocese and Local Church against each other, and requiring the churches to disclose amounts of tithes received from individuals.

Amici are all religious organizations that operate or have affiliates in New York City and wish to bring the court's attention the following additional points:

1) the strong protection offered to religious organizations under the First Amendment as well as U.S. Supreme Court and New York precedent; 2) New York's history of religious toleration, freedom in an increasingly diverse religious environment; and 3) the practical ways in which the district court's reasoning will undermine the doctrine and polity of Amici.

ARGUMENT

I. The First Amendment, the U.S. Supreme Court, and New York Courts All Firmly Protect Church Autonomy and Decision-Making

When the framers of The First Amendment to the United States Constitution surveyed the history of state interference into religious belief and practice, whether in antiquity, Europe, or early American history, they saw a recurrent theme—attempts by the state to enforce religious orthodoxy via an established church inevitably led to dissent, repression, a lack of religious zeal, and rebellion. That knowledge was not gained simply by reviewing history from afar. Instead, various religious establishments by colonial governments had led to strife, repression, and conflict. *See Hosanna-Tabor Evangelical Lutheran Church and*

School v. EEOC, 565 U.S. 171, 182-184 (2012). As James Madison, the architect of the Bill of Rights, wrote in 1785:

ecclesiastical establishments, instead of maintaining the purity and efficacy of Religion, have had a contrary operation. During almost fifteen centuries has the legal establishment of Christianity been on trial. What have been its fruits? More or less in all places, pride and indolence in the Clergy, ignorance and servility in the laity, in both, superstition, bigotry and persecution.

James Madison, *Memorial and Remonstrance against Religious Assessments*, at paragraph 7 (1785). *Reprinted in* 5 *The Founders Constitution* 82 (Philip B. Kurland & Ralph Lerner eds. 1987). Where European countries had “required a union of its subjects or citizens around one religion,” the new American constitution represented a sharp break: “the American solution to the church-state problem was to deny to the civil government its prior authority over inherently religious questions, thus leaving such matters within the sole province of the church.” Carl H. Esbeck, *Dissent and Disestablishment: The Church-State Settlement in the Early American Republic*, 2004 *BYU L. Rev.* 1385, 1393-1395 (2004). By the time the First Amendment was adopted, “a person’s duty to the Creator prohibited the federal government from intruding into matters of religious truth.” *Huntsman v. Corp of the President of the Church of Jesus Christ of Latter-Day Saints*, 127 F.4th 784, 807, 2025 WL 351595 (9th Cir. 2025) (Bumatay, J., concurring).

The First Amendment contains two provisions designed to work together to protect religious freedom:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

U.S. CONST. AMEND. I, *Kennedy v. Bremerton School District*, 597 U.S. 507, 532-533 (2022). Consistent with the First Amendment’s text and manifest intent, the early federal government took pains to ensure that it did not intrude on “‘entirely ecclesiastical’ matter(s) left to the Church’s own judgment.” *Hosanna-Tabor*, 565 U.S. at 184. For example, both Presidents Jefferson and Madison refused requests to entangle the federal government in the internal affairs of the Catholic or Episcopal church. *Id.* at 184-85.

In a trio of cases, *Watson v. Jones*, 80 U.S. 679 (1871), *Kedroff v. Saint Nicholas Cathedral*, 344 U.S. 94 (1952), and *Serbian Orthodox Diocese vs. Milivojevich*, 426 U.S. 696 (1976), the Supreme Court explained and enforced the First Amendment’s structural guarantee that the state cannot create or support a religious establishment. In so doing, the Court consistently and strongly affirmed that religious groups have the right to determine their own rules and mission without oversight by secular authorities. In *Watson*, the Court addressed a case originating out of a slavery dispute that spanned the Civil War. Despite the

compelling state interest, this Court deferred to religious authorities, noting that the church is the exclusive judge of religious issues within its own jurisdiction and that its decisions on such questions are binding on secular courts. 80 U.S. at 728-36. In *Kedroff*, the Court faced a dispute between American and avowedly pro-communist Soviet churches during the height of the Cold War. The Court ruled in favor of the pro-Soviet church, explaining that the New York legislature's decision to favor the American church improperly "intrude[d] for the benefit of one segment of a church the power of the state into the forbidden area of religious freedom contrary to the principles of the First Amendment." 344 U.S. at 119.

In *Milivojevich*, the Court reversed an Illinois Supreme Court ruling that had overridden a decision of the Serbian Orthodox Church in a property dispute. 426 U.S. at 710. The Court found that that the Illinois court had improperly overturned the judgment of the church and substituted its own view of the matter. *Id.* at 708. In so holding, the court rejected any decision that "impermissibly substitutes its own inquiry into church polity and resolutions." *Id.* Allowing a secular court to second-guess the decisions of a religious organization as to the tenets of its own faith has the effect of "inhibiting the free development of religious doctrine and of implicating secular interests in matters of purely ecclesiastical concern." *Id.* at 710. Thus, matters of "theological controversy, church discipline, ecclesiastical government" or similar matters are out of bounds. *Id.* at 714. In fact, the Supreme

Court stated that a court has “no jurisdiction” to hear such a dispute—even adjudicating the matter unconstitutionally encroaches on church autonomy. *Id.*

The Court affirmed the strength and reach of the church autonomy doctrine in *Hosanna-Tabor Evangelical Lutheran Church v. EEOC*, 565 U.S. 171 (2012) where the Court found that the Religion Clauses protected a Lutheran school from claims of discrimination when it terminated its school teacher. 565 U.S. at 192. While the Court outlined multiple factors that supported its decision, it fundamentally held that “imposing an unwanted minister” on a religious organization would violate both the Free Exercise Clause, which guarantees to a religious group the “right to shape its own faith and mission,” and the Establishment Clause, which “prohibits government involvement in such ecclesiastical decisions.” *Id.* at 188-89. The Court extended this line of reasoning in *Our Lady of Guadalupe School v. Morrissey-Berru*, 591 U.S. 732 (2020), where the Court deferred to a religious institution’s judgment in determining what constitutes a “minister:”

[T]he schools’ definition and explanation of their roles is important. In a country with the religious diversity of the United States, judges cannot be expected to have a complete understanding and appreciation of the role played by every person who performs a particular role in every religious tradition. A religious institution’s explanation of the role of such employees in the life of the religion in question is important.

Id. at 2066. This deference precluded second-guessing the organization’s judgment that an employee needed to, but did not, adhere to the faith and practice

requirements of the religious group, as this “would risk judicial entanglement in religious issues.” *Id.* at 2069.

New York follows the Supreme Court’s jurisprudence on church autonomy, prohibiting courts from “interfering in or determining religious disputes, because there is substantial danger that the state will become entangled in essentially religious controversies or intervene on behalf of groups espousing particular doctrines or beliefs.” *Congregation Yetev Lev D’Satmar, Inc. v. Kahana*, 9 N.Y.3d 282, 286 (2007) (citing *Milivojevich*). This principle has been widely cited and enforced. *See, e.g., Matter of Holy Spirit Ass’n for Unification of Holy Spirit Ass’n for Unification of World Christianity v. Tax Com. of N.Y.*, 55 N.Y.2d 512, 519 (1982) (“the courts may not inquire into or classify the content of the doctrine, dogmas, and teachings held by that body to be integral to its religion but must accept that body’s characterization of its own beliefs and activities and those of its adherents”). Once a New York court determines that a issue is an “ecclesiastical matter,” then the inquiry ends, and the religious organization’s decision controls. *Yetev Lev D’Satmar*, 9 N.Y.3d at 288. Because this case involves significant and profound questions of church doctrine and policy, it is not justiciable by New York courts.

II. This Court Should Preserve New York City’s History and Tradition of Leadership in Matters of Religious Liberty

From its earliest days, New York City’s founding peoples, geography, and commercial prominence led to a tolerance for diverse religious opinions. It was founded by the Dutch in 1654, in a colony they named “New Amsterdam.” *See* Kyle Bulthuis, *Religious Disestablishment in the State of New York*, in *Disestablishment and Religious Dissent* 115 (Carl Esbeck and Jonathan Den Hartog eds., 2019). As was typical in early American settlements, the colonizing power established a religion (Dutch Reformed). But, unlike most colonies, the Dutch settlement created an environment of religious pluralism in practice, “embraced an individual’s right to liberty of conscience on a private level,” and insisted that “individuals should never be persecuted for their beliefs alone.” *Id.*

When the English took control of the Dutch settlement in 1664, they too established their own church (Anglican), but created an even less restrictive form of establishment, which “reflected an unusual degree of religious freedom.” *Id.* at 118. This religious tolerance vindicated the sentiments of the 1657 Flushing Remonstrance, a remarkable plea to the Dutch from an English community in support of tolerance of Quakers. *Id.* at 117. Their words presage the flowering of religious liberty and practice that would come to define New York:

[O]ur desire is not to offend one of his little ones, in whatsoever form, name or title hee appears in, whether Presbyterian, Independent, Baptist or Quaker, but shall be glad to see anything of God in any of

them, desiring to doe unto all men as we desire all men should doe unto us, which is the true law both of Church and State; for our Saviour sayeth this is the law and the prophets. Therefore if any of these said persons come in love unto us, we cannot in conscience lay violent hands upon them, but give them free egress and regress unto our Town, and houses, as God shall persuade our consciences, for we are bounde by the law of God and man to doe good unto all men and evil to noe man.

See The Flushing Remonstrance (1657),

https://history.nycourts.gov/about_period/flushing-remonstrance/ at 1. The New York legislature echoed this belief in 1683 by explicitly providing that all persons would “freely have and fully enjoy his or their Judgments or Consciencies in matters of Religion.” Bulthuis, *Religious Disestablishment in the State of New York* 119. In New York City alone, despite a formal Anglican establishment, the following religions existed: Anglican, Dutch and French Calvinist, Dutch Lutheran, Roman Catholic, Quakers, Sabbatarians, Antisabbatarians, Anabaptists, Jews, and Independents. Nelson Mead, *Growth of Religious Liberty in New York City*, 17 Proceedings of the New York Historical Association 141, 147 (1919).

After the Glorious Revolution in 1688, the English Crown sought to invigorate Anglican establishments in the New World, including in New York. Mead, *Growth of Religious Liberty in New York City* at 147; Bulthuis, *Religious Disestablishment in the State of New York* at 120-121. By the mid-eighteenth century, the Anglican church “enjoyed increased numbers and cultural prestige.” Balthius, *Religious Disestablishment in the State of New York* at 124. However,

because the core support for the Anglican establishment was based in royally appointed officials, a significant opposition to the Anglican establishment remained, and there was little attempt by the political leadership to forcibly convert or punish religious dissenters. *Id.* at 124-125.

Since the Anglican establishment in New York had been lately imposed from England, had not taken deep roots, and its ministers were royal appointees, the anti-British Revolutionary War necessarily meant the “explicit tearing down of the pro-British church.” *Id.* at 126-27. Additionally, unlike most New England and southern states, New York’s revolutionary convention definitively disestablished its churches. *Id.* at 128; Mead, *Growth of Religious Liberty in New York* at 153. In so doing, it enacted a sweeping declaration that the “free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever hereafter be allowed, within this State, to all mankind.” *See* New York Constitution of 1777, Art. 38.¹ This stirring guarantee of religious freedom remains, essentially unchanged, to this day.²

While New York City’s religious history after 1777 is a complex and lengthy story, the overarching themes are liberty, diversity, and persistent faith:

¹ *See* https://history.nycourts.gov/wp-content/uploads/2019/01/Publications_1777-NY-Constitution-compressed.pdf at Article XXXVIII.

² *See* Constitution of New York, Bill of Rights, Art. 1, Section 3. https://history.nycourts.gov/wp-content/uploads/2019/01/Publications_1777-NY-Constitution-compressed.pdf

- Regardless of various conflicts between differing faiths, and between the church and state, New York’s fundamental guarantee of religious liberty outlined in Art. 38 of the 1777 Constitution has never wavered.
- An influx of German and Irish immigrants into New York City in the early 19th century led to a significant number of Roman Catholic churches, customs and adherents, with a particular concentration of Irish Catholics near City Hall, with many German Catholics congregating in the Lower East Side. Jay P. Dolan, *Immigrants in the City: New York’s Irish and German Catholics*, 41, Vol. 3 CHURCH HISTORY 354, 354-355 (1972).
- Approximately 150,000 Jews, largely from Europe, migrated to New York City between 1820 and 1880. This influx created, by 1900, a Jewish population larger than Warsaw, the largest European Jewish population center. Alan T. Levenson, *Review Essay*, 32 No. 2 SHOFAR 116, 118 (2014).
- A 1952 survey of religion in New York City revealed that 48.6% of New Yorkers were catholic, 17.8% Protestant, 32.7% Jewish, with “other religions or not reported” totaling 2.2%. Neva Deardorf, *The Religio-Cultural Background of New York City's Population*, 33 No. 2 THE MILBANK MEMORIAL FUND QUARTERLY 152, 154 (1955).
- One significant religious movement was the 1957 Billy Graham crusade in Manhattan. Two million people packed Madison Square Garden from mid-May to Labor Day to participate in the crusade. Jon Butler, *Religion in New York: Faith that Could Not Be*, 22 U.S. CATHOLIC HISTORIAN 51 at 51 (Spring 2004).
- The Muslim population in New York City has grown significantly in recent decades, with an estimated 756,000 people (9% of the city’s population as of 2016) attending over 250 mosques, the most of any state in America. Muslims for American Progress, *An Impact Report of Muslim Contributions to New York City*, at 2 (2018).
- Despite frequent predictions that religion and religious people would soon die out, New York City has experienced multiple, significant rebirths in religious belief and practice from 1777 to recent times. Butler, *Religion in New York*, at 55 (Spring 2004).

Present day New Yorkers continue to exercise their religious freedom in a wide variety of religious denominations reflecting the view of many that “New York City is the most ethnically diverse place on the globe.” Tony Carnes, *Religions in the City: An Overview*, in Tony Carnes and Anna Karpathakis, *NEW YORK GLORY: RELIGIONS IN THE CITY* 14 (2001). According to a 2015 survey of religious practice, nearly all major religion has meaningful representation in the New York City area, and it is significantly more religiously diverse than most of

Religious Affiliation of New York City Residents
by borough

	All Americans	All New York City Metro Area	New York City	Manhattan	Bronx	Brooklyn	Queens	Staten Island
N=	81,970	5,183	2,304	525	452	695	511	121
White evangelical Protestant	17.3	2	1	2	1	1	1	1
White mainline Protestant	13.3	4	2	3	1	2	1	2
Black Protestant	7.9	12	14	8	18	17	15	6
Hispanic Protestant	3.8	5	6	4	12	6	5	3
Other non-white Protestant	3.1	2	3	2	2	3	4	4
White Catholic	12.1	17	9	8	4	6	9	36
Hispanic Catholic	7.3	14	17	13	30	11	17	19
Other non-white Catholic	1.8	3	4	1	4	6	4	5
Jehovah's Witness	0.7	1	1	*	1	1	1	*
Mormon	1.9	*	*	1	*	*	*	*
Orthodox Christian	0.6	1	1	2	1	2	1	*
Jewish	1.5	6	7	8	2	11	4	2
Muslim	0.9	3	3	1	2	4	5	6
Buddhist	0.7	1	1	1	1	1	1	*
Hindu	0.6	2	1	1	*	1	3	*
Unaffiliated	22.7	22	25	38	20	24	24	13
Unitarian/Universalist	0.2	*	*	*	*	1	*	*
Other religion	1	1	1	*	*	1	1	1
Don't know/Refused	2.6	3	3	5	1	2	4	1

Source: PRRI 2015 American Values Atlas.

* = Less than 0.5%.

Due to rounding, racial and ethnic Catholic subgroups' percentages may not add to match "All Catholic" percentages.
Boroughs are defined using FIPS codes.

America:

Robert P. Jones, *Religion in New York City's Five Boroughs* (2015), at 1, <https://www.prrri.org/spotlight/religious-affiliation-of-new-york-residents-by-borough/>; *see also* Pew Research Center, *Religious Landscape Study*, <https://www.pewresearch.org/religious-landscape-study/metro-area/new-york-city-ny/>. This has been a consistent finding over the past 35 years. Carnes, *Religions in the City* at 31. In New York City alone, there are well over 3,000 places of worship, including over 2,000 Christian churches, 1,000 synagogues, 100 mosques, dozens of Hindu and Buddhist temples, 13 Christian Science Reading Rooms, and two Quaker meeting houses. *See* City Guide New York, *Churches in New York*, <https://www.cityguidenyc.com/article/Worshipping-in-New-York-City>.

III. The Trial Court's Decision Undermines Religious Organizations' Ability to Make Their Own Decisions on Matters of Doctrine and Polity, and Distracts from Their Mission

The trial court made the following decisions with respect to the Local Church and Diocese:

- It did not accept the explicit statement of Bishop David that he “did not solemnize any marriage between Ms. Funti and Mr. Andrews” and that no religious marriage was possible under Diocese policy as the “strict protocols” for marriage had not been followed. (R. at A61).
- It held an evidentiary hearing “concerning whether or not the parties are legally married.” Given that the only alleged marriage had occurred at the Local Church, this hearing reviewed the Local Church and Diocese’s doctrines and decision-making on religious matters. (R. at A63).

- It issued judicial subpoenas, on penalty of contempt, to Bishop David, Father Gregory, the Diocese, and St. Mary & St. Mark Coptic Orthodox Church to testify on matters of religious faith and doctrine. (R. at 53).
- It conducted a full-day hearing of Bishop David despite the Diocese's view that "Bishops don't come to court to testify." At that deposition, the district court asked about the religious meaning of liturgical vestments worn by Bishop David, why he placed a Coptic vestment on Mr. Andrews, the requirements for a wedding under Coptic law, and whether the fact that Mr. Andrews and Ms. Funti were living together without marrying was a "sin." (R. at A170:25, A271:19, A112:19-25, A113:1-24).
- It denied Bishop David's right to determine if Ms. Funti and Mr. Andrews were married pursuant to Coptic Church doctrine. (R. at A208:12-19).
- It subjected Father Gregory to a two-day hearing (R. at A428:9-25, A455:13-14). In this hearing, it inquired on the Local Church's view of marriage and associated certificates, confession, baptism, sacraments, and the Coptic crowning ceremony. (R. at 429:1-18, A430:1-25, A431:1-15, A473:13-25, A474:1-25, A475:1-21, A478:5-12, A549:14-19, A500:139-24-24, A499:1-25, A500:1-20).
- It required counsel to disclose if the Local church received a tithe of greater than \$1.00 from Mr. Andrews or Ms. Funti. (R. at A553:7-25, A554:10-18).

This collection of requirements and questions encompass and challenge a significant amount of the doctrine and practice of the Coptic Orthodox Church.

Amici also operate and are affiliated with churches and mosques in New York City. They are concerned that if this mode of judicial intrusion into the affairs of religious organizations is allowed to stand, then their ability to practice their faith without government oversight and restraint will be severely undermined.

A. Manhattan Grace Tabernacle

Manhattan Grace Tabernacle is a non-denominational church that currently meets in a building owned by another religious organization on 107th Street in the East Side of Manhattan. It has been in existence for 35 years and is led by Pastor Luis Rivera, who makes key decisions for the congregation, in consultation with Pastor Ralph Rodriguez and other leaders of Manhattan Grace.

In order to be a member of Manhattan Grace, a person has to be living a biblical lifestyle as defined in the Bible. Pastor Rivera makes final decisions on membership. Manhattan Grace teaches that those who profess faith in Jesus Christ should be baptized via full immersion in water. However, in certain circumstances, such as physical disability, Manhattan Grace does not believe that immersion is essential. The decision as whether full immersion is necessary is left to Pastor Rivera and other staff of Manhattan Grace.

Manhattan Grace teaches that tithing is part of God's plan, but that individuals are to give as the Lord directs. Tithing records private. The church performs marriages, and such marriages are generally limited to those who attend the church and who are living a biblical lifestyle. But, exceptions have been made. So long as it is clear that they are in the right place spiritually, other people can be married at Manhattan Grace in special circumstances.

If the District Court’s ruling in this case is followed, Manhattan Grace’s ability to make decisions about its membership, whether it can marry people (or not), whether members must be baptized (and how such baptisms are carried out) could be second-guessed by a court. Specifically, its informal polity, where not all matters are written down in detail, could expose it to charges of inconsistency and lack of clarity. It is also troubling that important private information of its parishioners, including tithing information, could be demanded by a court and ultimately made public.

Finally, it is important to note that Manhattan Grace only has two pastors on staff. If required to comply with burdensome document requests and attend day-long hearings as in this case, its ability to continue to meet the spiritual needs of its members will be severely undermined.

B. Seventh-day Adventist Church

In contrast to Manhattan Grace Tabernacle, the Seventh-day Adventist Church (“SDA”) is a large denomination with, as of 2024, over 23 million members in over 103,000 churches worldwide. *See* Seventh-day Adventist, *Statistics Page*, <https://www.adventist.org/statistics/>.

The Seventh-day Adventist denomination has as its highest administrative body the General Conference of Seventh-day Adventists. The General Conference has published, and regularly updates, a “Church Manual” in which it promulgates

procedures for membership, elections at the local church level, ways that local Adventist churches should operate, instructions on critical spiritual and moral issues, tithes, dispute resolution, marriage, divorce, among many other topics. *See* Seventh-day Adventists, *Church Manual* (20th Edition 2022), <https://documents.adventistarchives.org/Resources/ChurchManuals/CM2022.pdf>. The current edition is 240 pages long.

The General Conference is the promulgator of critical organizational and spiritual questions: “No attempt should be made to set up standards of membership or to make, or attempt to enforce, rules or regulations for local church operations that are contrary to these decisions adopted by the General Conference in Session.” *Id.* at 17-18. Furthermore, the Church Manual is “to be followed in all matters pertaining to the administration and operation of local churches.” *Id.* at 17. The Adventist Church recognizes that the Church Manual can be altered and amended as necessary, and that its constituent bodies may propose additions or amendments for consideration by a future General Conference Session. *Id.* at 18-19. It also sets up a process of review to interpret particular Manual provisions. *Id.* at 19.

Given this carefully constructed mode of governance, including a process for appeal and review of many decisions, judicial review of the type exercised in this case would be disruptive, divisive, and usurp authority that belongs to the church. To do so, a court would first have to determine whether the Constitution or Church

Manual speaks to an issue, and then decide whether the provision is, in the eyes of the court, clearly outlined. Then, the court would have to determine if the correct appeal process was followed and whether the proper level of the Adventist governance structure made the final decision. All of these questions would involve searching, intrusive questions with Adventist pastors and leaders at all levels of the Seventh-day Adventist governing structure. Any judicial determination of the meaning of baptism, tithing, or church office (all of which are specifically addressed in the Church Manual) would necessarily require the judge to make improper determinations with respect to SDA doctrine and polity.

C. Jurisdiction of the Armed Forces and Chaplaincy

The Jurisdiction of the Armed Forces and Chaplaincy (“JAFC”) is the canonical residence and licensing agency for professional chaplains with the Anglican Church in North America (“ACNA”) and other participating Anglican bodies. The primary purpose of the JAFC is to screen, endorse and support those discerned by the church to be called by God to serve as chaplains in the United States military. *See* Jurisdiction of the Armed Forces and Chaplaincy, *About Page*, <https://www.anglicanchaplains.org/about>. The JAFC is the second largest endorser of sacramental chaplains to the military, with more than 250 active chaplains who conduct upwards of 70 religious services in chapels and churches each week.

ACNA is structured as a national “Province” led by a “Provincial Council” which is the overarching ACNA decision-making body. *See* Anglican Church in North America, *Constitution and Canons*, <https://anglicanchurch.net/wp-content/uploads/2024/07/CURRENT-C-and-C-2024-1.pdf>, at Article IV (2024) (“*ACNA Constitution and Canons*”). The next level of governance are Dioceses, which contain local Congregations. The JAFC is considered to be a Diocese of the ACNA. As such, it is under the authority of the Provincial Council.

JAFC chaplains provide services spiritual counseling, marriages, baptisms, and last rites to military servicemembers in their most vulnerable times. They do so under the authority of the ACNA, but are also under the jurisdiction of the military, so must accommodate the religious faiths of non-Anglican servicemembers under their care. Department of Defense, *Religious Liberty in the Military Services (Instruction 1300.17)* at Section 1.2.a. (2020). However, a chaplain may refuse to “perform any rite, ritual, or ceremony that is contrary to the conscience, moral principles, or religious beliefs of the chaplain.” *Id.* at Section 1.2.c.

Therefore, when counseling a servicemember on for example, a question of marriage, a JAFC chaplain will need to consult with both ACNA doctrine and the beliefs professed by the servicemember. This will lead to varied outcomes of

whether, when, and how a marriage can take place. The ACNA lists several requirements for marriage, including: that the applicants are of the opposite sex and have been baptized; a 30-day notice period has lapsed; a valid marriage license has been obtained; and appropriate counseling has taken place. *See ACNA Constitution and Canons* at Canon 7. In certain cases, those requirements may be waived at the discretion of the presiding Bishop. *Id.* In determining whether to perform a marriage, therefore, a JAFC chaplain must consider if ACNA requirements are met, determine whether an exception from the JAFC bishop is necessary, and then seek the appropriate exemption. In the alternative, a JAFC chaplain may decide to refer marriage applicants to a different religious body. All of these matters require judgment and are capable of second-guessing by a civil court acting as the trial judge did in this case.

D. New York Metro Council for Islamic Houses of Worship

Imam Dr. Muhammad Abdul Jabbar is a religious scholar and Imam in New York city under the umbrella of the New York Metro Council for Islamic Houses of Worship in New York City. He has a Ph.D. in Islamic Studies and is an expert in Islamic law and practice. Imam Dr. Muhammad Abdul Jabbar states that Islamic law, as articulated in the Quran and Hadith, outlines religious liberty principles similar to those protected under the First Amendment. Especially when an Islamic people are living as a minority people (as in the United States), the

principle of religious autonomy is the same as outlined in previous sections of this brief. For example, the Quran states "There shall be no compulsion in [acceptance of] the religion. The right course has become clear from the wrong." Quran, 2:256, Sahih International, 1997. Thus, Islam encourages respect for other faiths and their autonomy. While Islamic law and practices differ from those of other religions, the principle of non-interference in their internal affairs applies. Muslims believe that each religious community should be free to govern themselves according to its own beliefs and practices, free from undue secular intervention.

The Imam also states that religious matters are governed by divine law and interpreted by religious scholars. Intrusion by secular courts in matters of faith is generally viewed as an interference. In support of this proposition, the Imam points to a Quranic verse that states: "To each of you We prescribed a law and a method. Had Allah willed, He would have made you one nation [united in religion], but [He intended to] test you in what He has given you; so, race to [all that is] good." Quran 5:48. This verse implies respect for different religious practices and discourages imposing one's dictates on others either through secular courts or governments.

Additionally, Islamic jurisprudence emphasizes resolving disputes within the religious community through arbitration and mutual consultation, rather than resorting to secular courts. This is based on the guidance from the Quran that Muslims should avoid taking internal Muslim disputes to external authorities.

Further, the Imam views that the trial court's inquiries into religious doctrines, practices, and internal governance, if applied to an Islamic faith, would be an infringement on religious freedom. Finally, the trial court's demand for financial information, particularly related to tithes, would be viewed as a violation of privacy and a transgression of the separation between religious and secular finances, especially when an Islamic people are living in a minority situation (as in the United States).

CONCLUSION

For the foregoing reasons, we request that the Appellate Division reverse the trial court and quash the subpoenas issued against the Non-Party Appellants.

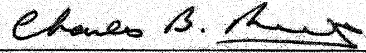
Dated: New York, New York

Respectfully submitted,

May 20, 2025



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permission of the Court.

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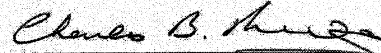
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Respectfully submitted,



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