

IN THE
Supreme Court of the United States

CITY OF GRANTS PASS, OREGON,

Petitioner,

v.

GLORIA JOHNSON, *et al.*,
ON BEHALF OF THEMSELVES AND
ALL OTHERS SIMILARLY SITUATED,

Respondents.

ON WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE NINTH CIRCUIT

**BRIEF OF *AMICI CURIAE* KAIROS CENTER
FOR RELIGIONS, RIGHTS AND SOCIAL JUSTICE
AND OTHER RELIGIOUS ORGANIZATIONS
IN SUPPORT OF RESPONDENTS**

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INTERESTS OF *AMICI CURIAE*¹

Amici are national religious bodies and institutions, interfaith networks, and some of the most prominent and historic houses of worship in America. *Amici* and the traditions they represent have guided millions in faith-based practice on and understandings of morality and cruelty throughout our nation's history. They share a deep and long-established interest in the protection of poor and dispossessed people, and unite here to protect homeless people in this case.

Amici's moral values and religious traditions insist that every human being be treated with inherent worth and dignity, including and especially the poor. This belief is at the core of how *amici's* faith traditions understand our shared existence and religious practice.

Guided by these principles, *amici* understand that punishing and expelling poor and marginalized people from their communities for maintaining a place to live is contrary to the most fundamental principles of *amici's* faith traditions and prohibited by the Eighth Amendment's prescription against

¹ Pursuant to Supreme Court Rule 37.6, no counsel for any party authored this brief in whole or in part, and no person or entity other than *amici* or their counsel made a monetary contribution intended to fund the brief's preparation or submission.

“cruel and unusual” punishment. In support of this conclusion, *amici* here provide this Court with the consistent teachings and practices of their traditions to this effect.

American Friends Service Committee (AFSC) is a global humanitarian organization founded in 1917 by the Religious Society of Friends (Quakers) but open to all. Guided by the Quaker belief in the divine light of each person, AFSC works with people of all faiths and backgrounds to challenge unjust systems and promote lasting peace. Currently, AFSC has a presence in 18 countries and operates over 20 U.S. programs addressing community needs, as well as advocacy offices in Washington DC and at the United Nations. For over a century, AFSC has worked on issues related to housing justice—including addressing, preventing, and attempting to end homelessness. It has consistently opposed policies and practices that criminalize poverty and homelessness.

Bend the Arc: A Jewish Partnership for Justice is the nation’s leading progressive Jewish voice empowering Jewish Americans to be advocates for the nation’s most vulnerable. Bend the Arc mobilizes Jewish Americans beyond religious and institutional boundaries to create justice and opportunity for all, through bold leadership development, innovative civic engagement, and robust progressive advocacy. Bend the Arc views the housing crisis as a pressing economic and racial

justice issue, and advocates for policy changes that protect the homeless instead of criminalizing them.

Friends General Conference (FGC) is an association of Quakers in the United States and Canada founded in 1900, with approximately 32,000 members in over 650 congregations. Worldwide, Quakers now number around 400,000. Quakerism emphasizes the direct relationship between people and God. Throughout history, Quakers have sought the challenging task of living out founder George Fox's (1624-1691) values of "answering that of God in every one" and "seeking the inner light" in each person, both individually and as a community. Following this path has led Quakers to be early advocates against slavery, for women's rights, for better prison conditions, and for harmonious relationships between peoples and nations. Quakers believe everyone is equal, and are inspired by faith to change the systems that cause injustice and that prevent us from living as genuine communities. Quaker faith requires working for people who suffer injustice, including the homeless who are marginalized members of our society. FGC therefore condemns any attempt to punish and expel homeless people for merely existing in our society.

Hindus for Human Rights (HfHR) is a progressive Hindu organization grounded in the liberatory history and possibility of Hindu faith. HfHR counts thousands among its engaged audience in the United States and worldwide, including many faith leaders and mandirs, community leaders and

organizations, students, and more. As pluralist Hindus, HfHR recognizes the inherent divinity in and equality of all people, and stands firmly against the criminalization of anyone on the basis of factors out of their control, including those without homes. Consistent with Hindu faith, HfHR believes that society has a duty to care for all and invest in responses to homelessness that create social safety nets rather than a carceral state.

Interfaith Assembly on Homelessness and Housing (IAHH) is an association of nearly 50 faith organizations in the New York City area that, since its founding in 1985, has worked with and advocated on behalf of those who have experienced homelessness. Inspired, strengthened, and sustained by faith, IAHH is committed to confronting the unconscionable and unacceptable reality of homelessness. IAHH works in partnership with those who have experienced homelessness and mobilizes communities of faith to empower all people to advocate for public policies that strive to eliminate homelessness and the transformation of society. It therefore strongly opposes any effort to criminalize an individual for the condition of being without a home or shelter.

Kairos Center for Religions, Rights and Social Justice is a national organization committed to building a movement to end poverty, led by the poor, with more than two decades of experience in poor-led organizing, Biblical and theological scholarship and leadership development among poor and

religious communities. Rooted in the prophetic Christian tradition, the Kairos Center is housed at Union Theological Seminary, with a network of community and religious leaders from prominent faith denominations, churches and houses of worship, interfaith networks, national social justice organizations and community-based organizations that spans every region of the country. When we read the Bible, we are reminded that what to do “unto the least of these,” we do unto Christ. Our moral values insist that we must treat everyone as if they are an embodiment of God, especially the poor. This commitment is consistent across faith traditions, including that there is nothing about our sacred texts and teachings that support punishing the poor and homeless for being poor and homeless.

Metropolitan A.M.E. is an African Methodist Episcopal Church founded in 1872 in Washington D.C. Known locally and nationally, Metropolitan A.M.E. took a leading role in anti-slavery advocacy in the mid-19th century, including the harboring of runaway enslaved persons. Along with being a major center of worship, Metropolitan A.M.E. has been in the forefront of the civil, cultural, and intellectual life among African Americans. Throughout its history, the congregation has been home to or hosted many Americans dedicated to justice and equity, including Frederick Douglass, Ida B. Wells and Booker T. Washington. It continues to answer God’s call for the present age by advocating for the disadvantaged. Because Metropolitan A.M.E. remains dedicated to justice

and equality and condemns punishing someone for who they are, it denounces the cruel and inhuman laws that punish homeless people for their existence, merely because they have nowhere else to go.

National Council of Jewish Women (NCJW) is a grassroots organization of 210,000 advocates who turn progressive ideals into action. Inspired by Jewish values, NCJW strives for social justice by improving the quality of life for women, children, and families and by safeguarding individual rights and freedoms. NCJW's Principles state that "[a] democratic society must end systemic marginalization and provide support for individuals in need and under-resourced communities," and in our Resolutions, we resolve to work for "[f]air housing laws, policies, and programs that promote equitable access to healthy, safe, affordable, quality housing." Consistent with Jewish faith, these Principles and Resolutions, and NCJW's longstanding commitment to ensuring everyone has the full range of necessary health care, food, and shelter, NCJW condemns punishing homeless people for who they are.

National Clergy Council of National Union of the Homeless is a group of faith and moral leaders across the country who are committed to the struggles of poor and homeless people in their communities and nationwide, including ending homelessness. The National Union of the Homeless is an organization made up of current and formerly homeless individuals and families. The Clergy

Council draws on their Christian and interfaith traditions to offer moral guidance for this struggle, including the teachings of sacred texts and ethical principles that emphasize compassion, justice, and solidarity. Because these teachings underscore the inherent dignity and worth of every human being, laws that imprison and punish homeless people for their condition of homelessness offend our moral commitments and are contrary to both our faith beliefs and ethical principles.

NETWORK Lobby for Catholic Social Justice was founded more than 50 years ago by a group of Catholic sisters to advocate for legislation, regulations, policies, and programs that promote the common good and support our firm belief that all people have inherent dignity and the right to basic life essentials. Guided by the fundamental principles of Catholic social justice, NETWORK remains deeply committed to advancing federal policies that protect our nation's most vulnerable communities. The cornerstones of NETWORK's agenda include the principles that basic housing is an essential right, and that the nation's criminal justice system must be grounded in fairness and justice. The criminalization of homelessness flies in the face of both of these core principles and is a cruel abuse of our nation's criminal justice system that cannot be countenanced by either the U.S. Constitution or simple morality.

Riverside Church in the City of New York is associated with both the American Baptist Churches

and the United Church of Christ and home to 1200 Christian members. Riverside Church finds the teachings of Jesus clear about human responsibility to uplift the downtrodden, which includes those who are homeless. Its religious tradition understands that Jesus and his parents constituted an unhoused family seeking safe space. Following His birth in Bethlehem, Jesus and his parents fled their home country and the tyrannical rule of King Herod to live in Egypt for several years as refugees. It is out of this stark beginning, and a life lived under the oppressive Roman Empire, that the religion Jesus sparked values the care of the last, the least, and the left out. Following these teachings, Riverside Church believes that laws which punish the homeless are not faithful to the God who is faithful to us.

Sisters of Mercy of the Americas are a group of about 2000 religious women from the United States, Central and South America, the Caribbean, Guam and the Philippines who join together with our associates and coworkers to do the work of mercy. Sheltering the homeless is critical work of mercy. When the first house of Mercy opened in 1827 in Dublin, Ireland, one of its primary responsibilities was to provide housing for homeless women and children. Catherine McAuley, the founder of the community, was inspired by the life of Jesus and envisioned a just world for all. Catherine told her sisters to “respond to the needs of the times.” In a country of such wealth as ours, the community of mercy takes up this work through our vow of service.

We care for each person's safety and dignity and strive to restructure unjust systems. The Justice Team at Sisters of Mercy facilitates this through collaboration, education, advocacy, and encouragement of our continual work for persons who are homeless. We thus resist the condemnation of those who are poor and homeless.

Unitarian Universalist Association (UUA) is a religious denomination formed in 1961 by the union of the American Unitarian Association and the Universalist Church of America, with membership comprising of more than 1,000 congregations nationwide. Many UUA member congregations trace their history to America's founding churches, first gathered by the Pilgrims and Puritans in the 1600s. The UUA welcomes all persons and draws its faith from many sources and is enriched by religious pluralism. A key principle of the UUA is the affirmation and promotion of the inherent worth and dignity of every person, which is in opposition to laws that punish homelessness.

SUMMARY OF ARGUMENT

1. Tenets from the religious traditions of *amici* inform the moral standards of American society and therefore what is protected by our guarantee against "cruel and unusual" punishment under the Eighth Amendment, which "necessarily embodies a moral judgment." *Kennedy v. Louisiana*, 554 U.S. 407, 419 (2008) (citation omitted). This Court has found the moral perspective of the broad religious community

to be a relevant factor in determining the Eighth Amendment's limits and prescriptions on what constitutes "cruel and unusual" punishment. See *Atkins v. Virginia*, 536 U.S. 304, 316 n.21 (2002).

2. Every major world religion includes directives to care for the poor. Sacred texts and teachings across traditions, geographies, and time periods—including those present among the early faith leaders of this nation—address these responsibilities. While these directives may not impose a duty on the State, they inform what the State can punish under the Eighth Amendment. These universal principles reject as immoral the punishment of poor and unsheltered people for the consequences of their poverty or homelessness.

3. Religious leaders today, continuing the long moral arc of their traditions, have insisted that these values are at the core of *amici's* faith traditions; it remains well established among these traditions that punishing those who are homeless for being poor and unhoused is cruel, violates the dignity of man, and offends humanity.

4. Because protection and care for homeless people holds a central place among *amici's* shared religious traditions, the Grants Pass ordinances that punish poor and homeless people for living in the only place left to them depart from the moral wisdom of these traditions, and by consequence from the standards of the Eighth Amendment.

ARGUMENT**1. Shared Religious Tradition Informs
What Punishment Is Cruel and Unusual**

The Eighth Amendment places “limitations” on the “power of those entrusted with the criminal-law function of the government.” *Timbs v. Indiana*, 139 S. Ct. 682, 687 (2019) (citations omitted). Its guarantee against “cruel and unusual punishment” imposes a “substantive limit[]” on what behavior government can make criminal, *Ingraham v. Wright*, 430 U.S. 651, 667 (1977) (citing *Robinson v. California*, 370 U.S. 660 (1962) (plurality opinion)), “in light of the basic prohibition against inhuman treatment,” *Trop v. Dulles*, 356 U.S. 86, 101 (1958). This limit is determined by what “offends humanity,” *Madison v. Alabama*, 139 S. Ct. 718, 727 (2019) (citations omitted), and requires that punitive authority must “be exercised within the limits of civilized standards,” *Trop*, 356 U.S. at 100. The “basic concept underlying the Eighth Amendment is nothing less than the dignity of man.” *Hall v. Florida*, 572 U.S. 701, 708 (2014) (quoting *Trop*, 356 U.S. at 100).

Thus, the Eighth Amendment’s limit on cruel and unusual punishment “necessarily embodies a moral judgment.” *Kennedy*, 554 U.S. at 419 (citation omitted). To make that judgment, this Court “draw[s] [the Eighth Amendment’s] meaning from the evolving standards of decency” of the nation. *Trop*, 356 U.S. at 100. The “standards of American

society as a whole” guide this inquiry. *Hall*, 572 U.S. at 725 (Alito, J., dissenting). As this Court has recognized, religious teachings and beliefs embody a “broad[] social and professional consensus” and therefore inform the limits imposed by the moral dimensions of the Eighth Amendment. *Atkins*, 536 U.S. at 316 n.21. After all, “religion permeates our history.” *Edwards v. Aguillard*, 482 U.S. 578, 607 (1987) (Powell, J., concurring); *Abington Sch. Dist. v. Schempp*, 374 U.S. 203, 212-13 (1963) (“We are a religious people whose institutions presupposed a Supreme Being” and “[t]he history of man is inseparable from the history of religion” (quoting *Zorach v. Clauson*, 343 U.S. 306, 313 (1952))).

Failure to account for evidence of society’s moral beliefs and commitments to fundamental principles of human dignity would exclude evidence important to understanding the scope of the Eighth Amendment. Indeed, consideration of such evidence ensures that the Court does not act as an independent arbiter of morality, following its “own subjective values or beliefs,” and instead accounts for important perspectives on society’s beliefs about morality and punishment. *Miller v. Alabama*, 567 U.S. 460, 494 (2012) (Roberts, J., dissenting).

2. Sacred Religious Texts and Teachings Direct Society to Protect Poor and Homeless People, Not to Punish Them

The long history of the faith traditions represented by *amici* reflect their timeless and universal view that society must protect poor and

homeless people. This obligation both binds individuals in their relationships with each other and directs those in positions of power and authority to act in a similar relationship to the societies they govern. The religious teachings that inform societal mores to protect and care for poor and homeless people are the other side of the same coin that prohibits the State from punishing their existence. *Amici's* scriptures and teachings indicate that those in positions of power and authority must not punish those who are poor and unhoused for the consequences of their conditions. Doing so is anathema to *amici's* faith traditions.

In short, the theology of *amici*, as practiced by millions of Americans who look to them for guidance, views treatment of the poor as a bellwether for individual and social morality, and suggests that any definition of “cruel and unusual” punishment includes the enforcement of policies to punish the homeless for seeking shelter.

a) Both Abrahamic and Nontheistic Traditions Affirm the Dignity and Protection of the Poor and Homeless

In Jewish tradition, the text of the Talmud affirms that a society may not neglect or dismiss any person's basic needs. Rather, society must assist everyone in need, because creation itself holds a stake in each person's well-being: “[t]he world was created for me.” *Sanhedrin* 37a. The Levite tribe, whom the law of Moses made a caste of the

“permanent poor,” were not exiled, but given a high and honored position within their community. Indeed, regard for the “stranger” and the “poor” more broadly, repeated thirty-six times in the Talmud, became a cornerstone of biblical faith for centuries to come.

In the Hebrew scriptures, God’s response to people in need is never to punish or shame them or to strip their rights and dignity. The Deuteronomic Code directs: “If there is among you anyone in need, a member of your community in any of your towns within the land that the LORD your God is giving you, do not be hard-hearted or tight-fisted toward your needy neighbor.” *Deuteronomy* 15:7. Nehemiah, speaking to the leaders of his people about their subjects, urges them to: “Restore to them, this very day, their fields, their vineyards, their olive orchards, and their houses, and the interest on money, grain, wine, and oil that you have been exacting from them.” *Nehemiah* 5:11. The measure of righteousness in the Jewish tradition, whether of an individual or of a corporate body, is *always* dependent on how well society treats the poor and oppressed. The tradition teaches its followers to show the poor justice, dignity, and charity—never punishment. Indeed, “[t]he righteous know the rights of the poor; the wicked have no such understanding.” *Proverbs* 29:7.

In Christianity, 2,000 passages in the Bible discuss caring for poor and vulnerable people. These passages teach that the way to honor and worship

God is by welcoming the neighbor and helping the needy. Matthew 25—which, in the text of the Bible, contains a message preached to the gathered nations of the world—instructs that the way society treats the poor is a reflection of their treatment of God. Jesus says as follows:

[F]or I was hungry and you gave me no food, I was thirsty and you gave me nothing to drink, I was a stranger and you did not welcome me, naked and you did not give me clothing, sick and in prison and you did not visit me. Then [the nations] also will answer, Lord, when was it that we saw you hungry or thirsty or a stranger or naked or sick or in prison and did not take care of you? Then [Jesus] will answer them, Truly I tell you, just as you did not do it to one of the least of these, you did not do it to me.

Matthew 25:42-45 (internal citations omitted).

As in the Jewish tradition, the God of the Christian tradition never punishes the poor for being impoverished. On the contrary, God's anger and judgment are reserved for the wealthy and powerful insofar as they refuse to care for the poor and those in need: "How does God's love abide in anyone who has the world's goods and sees a brother or sister in need and yet refuses help?" 1 *John* 3:17. The responsibility of this care does not rest solely on

individuals, but on those in positions of authority in society: “Woe to those who make iniquitous decrees, who write oppressive statutes, to turn aside the needy from justice and to rob the poor of my people of their right.” *Isaiah* 10:2. Isaiah instructs those in positions of power and authority, those who make the laws and issue decrees, to not “grind[] the face[s] of the poor,” making their already impoverished conditions even worse. *Isaiah* 3:15.

Jesus himself was born poor, as were most of his disciples. His life and ministry were dedicated to helping liberate the poor and marginalized from poverty and oppression, from the beginning to the end of his recorded life. The Gospel of Luke records him preaching in his inaugural sermon that “[t]he Spirit of the Lord is upon me, because he has anointed me to bring good news to the poor. He has sent me to proclaim release to the captives and recovery of sight to the blind, to set free those who are oppressed, to proclaim the year of the Lord’s favor.” *Luke* 4:18-19.

Jesus often reminds his disciples that God has shown us specifically how to care for the poor and to end their poverty—not by imprisoning them or otherwise criminalizing their poverty, but by forgiving their debts, ensuring justice, and ensuring that all share in God’s abundance. As it states in the Jubilee codes:

If any of your kin fall into difficulty and become dependent on you, you shall

support them; they shall live with you as though resident aliens. Do not take interest in advance or otherwise make a profit from them, but fear your God; let them live with you. You shall not lend them your money at interest taken in advance or provide them food at a profit. I am the LORD your God who brought you out of the land of Egypt, to give you the land of Canaan, to be your God.

Leviticus 25:35-38.

Likewise in Islam, the Prophet Muhammad was himself poor and marginalized, as were his first followers. Far from prescribing punishment for those who are poor, the *din* or path of faith (Islam), which was revealed to Muhammad, centers on individual and societal commitment to caring for all of creation—*especially the poor*, whom the *din* forbids from mistreatment. As outlined in the five pillars of Islam, the central identity and practice of being Muslim is bound up with a regular practice and commitment to honoring God by caring for and nurturing life, especially where that life is in need. *Ṣaḥīḥ al-Bukhārī*, Belief – كتاب الإيمان, Hadith no. 50.

Alongside the Abrahamic traditions, a core tenet of the Hindu tradition is the concept of *dharma*, or duty, that Hindus must carry out through their actions in the world. This tenet is anchored in the

fundamental belief that “every human being is inseparably connected with and dependent on other human beings.” Anantanand Rambachan, *Hinduism, in THE HOPE OF LIBERATION IN WORLD RELIGIONS* 114 (Miguel A. De La Torre ed., 2008). Not only do Hindus have an affirmative duty to attend to the well-being of all, but the highest expression of *dharma* is through care, non-violence, and non-injury (*ahimsa*). *Id.*

b) The Teachings Of Our Nation’s Early Faith Leaders Affirm the Dignity and Protection of the Poor and Homeless

This shared command to protect and not to punish poor and homeless people forms the foundation of worldwide faiths, and faith traditions have accordingly professed and practiced this commitment across history. Religious leaders’ commitment to this moral principle in turn influenced society’s moral understandings. Consistent with sacred texts that have guided civilizations for thousands of years, these leaders taught that charity and compassion for the needy were core tenets of religious tradition.

Religious leaders in the founding-era of the United States numbered among the many to have preached and taught this message. In 1721, George Whitefield, one of the founders of Methodism and the evangelical movement, stated that “if you have no compassion, no Value for the Bodies of Men, you are not, indeed, my true Brethren, Christians, nor

true disciples of the Lord Jesus Christ, unless you remember his poor distressed Members” and that it was not enough to “pretend Concern and Pity for the misery and distress of our Fellow-Creatures . . . for when we hear of any deplorable Circumstance, in which our Fellow-Creatures are involv’d, be they Friends or Enemies; it is our Duty, as Christians, to assist them to the utmost of our power.” George Whitefield, THE GREAT DUTY OF CHARITY RECOMMENDED, PARTICULARLY TO ALL WHO PROFESS CHRISTIANITY. A SERMON PREACHED AT KENNINGTON-COMMON, AND AT GLOUCESTER &C, 3, 22 (1740). John Wesley, another founder of the Methodist movement, urged his community to care for those members with “not a place where to lay their head . . . [b]ecause *you* impiously, unjustly, and cruelly detain from them” resources that ought to be shared. John Wesley, Sermon 116: Causes of the Inefficacy of Christianity, *reprinted in* 3 SERMONS ON SEVERAL OCCASIONS 259 (1834).

Jonathan Edwards, the great Puritan minister, stated in 1733 that:

It is fit that the law should make provision for those that have no estates of their own; it is not fit that persons who are reduced to that extremity should be left to so precarious a source of supply as a voluntary charity. They are in extreme necessity of relief, and therefore it is fit that there should be something sure for them to depend on.

Jonathan Edwards, *Christian Charity: Or, The Duty of Charity to the Poor, Explained and Enforced*, reprinted in 1 THE WORKS OF JONATHAN EDWARDS 173 (Edward Hickman ed., 1835).

Relying on Deuteronomy, Edwards declared it “obvious” that “the absolute and indispensable duty of a people of God [is] to give bountifully and willingly for the supply of the wants of the needy.” *Id.* at 164. Gilbert Tennent, who ushered in the Evangelical Revival among Presbyterian communities, likewise wrote “[o]n mercy towards the poor,” citing Matthew and the Psalms. Gilbert Tennent, *sermons 82, “De Misericordia pauperibus” (On mercy towards the poor,) “De confessione peccati” (On confessing sin) and “De faciendo pacem cum proximis” (On making peace with your neighbors), 1746 or 1747*, PHILADELPHIA CONGREGATIONS EARLY RECORDS, <https://philadelphiacongregations.org/records/item/PHS.TennentSermons082>.

Charles Chauncy, the “theologian of the American Revolution,” taught founding-era Christians the same message. Norman B. Gibbs et al., *In Our Nature: The Kenotic Christology of Charles Chauncy*, 85 HARV. THEOLOGICAL REV. 2, 217, 217 (Apr. 1992). Quoting Matthew 25, he stressed the importance of care for the poor, homeless, hungry, and excluded, which he wrote was what “good men have done, in obedience to his gospel, and in relief of those who needed their compassion.” Charles Chauncy, *Charity to the*

*distressed members of Christ accepted as done to himself, and rewarded, at the Judgement-Day, with blessedness in God's everlasting kingdom. A sermon, preached the Lord's-Day after the death of Mr. Edward Gray. Who departed this life July 2nd, 1757, in the 84th year of his age, OXFORD TEXT ARCHIVE (1757), <https://ota.bodleian.ox.ac.uk/repository/xmlui/bitstream/handle/20.500.12024/N06202/N06202.html?sequence=5&isAllowed=y>. According to this principle, when the government intervened in the lives of homeless people, it was to provide aid, giving them “something sure for them to depend on.” Edwards, *Christian Charity*, at 173.*

3. Agreement Across Faith Leaders in This Country Today Continues Adherence to These Principles

As religiously diverse as America has become, *amici* demonstrate that adherence to these principles persists. While “composing a prayer that is acceptable to all members of the community who hold religious beliefs has become harder and harder,” *Town of Greece v. Galloway*, 572 U.S. 565, 575 (2014) (Alito, J., concurring), it is easy to see that shared religious tradition continues to affirm that society must not oppress the poor and homeless. These traditions, as demonstrated by *amici*’s beliefs and practices, reveal that faith leaders across religions agree that it is cruel to punish poor and homeless people for merely existing in our communities.

4. The Grants Pass Ordinances Punish The Existence of Homeless People And Violate These Longstanding and Universally Shared Religious Traditions

From the Talmud to the Bible, from Jesus to the Prophet Muhammad, and from founding-era religious leaders to national organizations and prominent houses of worship today, the “unambiguous and unbroken history” of religious tradition, *Marsh v. Chambers*, 463 U.S. 783, 792 (1983), demonstrates universal agreement that society cannot punish the poor and cast aside the life of another. The Grants Pass ordinances transgress this principle. Grants Pass’s novel strategy to remove this community was intended to “make it uncomfortable enough for [homeless people] in our city” such that “they will want to move on down the road.” JA 114. But Grants Pass goes far beyond making it uncomfortable. By prohibiting the act of sleeping with so much as a blanket in any public space, at any time of the day, any day of the year, *see* Grants Pass Municipal Code §§ 5.61.010, 5.61.030, Grants Pass effectively makes it illegal to be alive and homeless, with nowhere to go.

CONCLUSION

The universal bedrock beliefs of faith traditions have affirmed for centuries that punishing poor and homeless people for the effects of their poverty and homelessness fails to honor the holy nature of creation, and thereby fails society as a whole. The resilience of these interfaith religious principles over space and time demonstrates that “the evolving standards of decency” applicable to the punishment of the poor and unsheltered, who have nowhere else to go, are clear and urgent. *Trop*, 356 U.S. at 100. Such punishment is “cruel and unusual” as a matter of “moral judgment” inextricably attached to the very bones of belief. *Kennedy*, 554 U.S. at 419. Because the ability of state and local governments to ignore that judgment turns on the Court’s decision here, we implore this Court to hold that Grant Pass’s punishment scheme violates the Eighth Amendment.

Respectfully submitted,

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