



# LCMS and Amicus Curiae Briefs

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## What are amicus curiae briefs?

Amicus curiae (often called amicus or amici briefs), according to former Supreme Court Chief Justice William Rehnquist, is a Latin phrase “that literally means ‘friend of the court’ — someone who is not a party to the litigation, but who believes that the court’s decision may affect its interest.”

## Why are they important?

Filing amicus briefs can achieve several purposes: (1) provide helpful information to the court regarding a certain case, (b) alert the court to the ways in which the case may affect people outside of the two parties involved and (c) bring the media’s and citizens’ attention to an important issue.

In short, according to Rule 37 of the *Rules of the Supreme Court of the United States*, “An amicus curiae brief that brings to the attention of the Court relevant matter not already brought to its attention by the parties may be of considerable help to the court.”

## On what kinds of topics have Lutherans signed amicus briefs?

The Lutheran Church—Missouri Synod (LCMS) has signed on to a host of amicus briefs throughout the years. The most notable is likely the brief offered in support of Hobby Lobby and Conestoga Wood Specialties, wherein the Supreme Court, in 2014, explored whether religious owners of a family business or their closely-held, for profit-corporation have free exercise rights that are violated by the Affordable Care Act.

## What other kinds of briefs has the LCMS signed?

Here are just a few:

- **1988:** The LCMS signed onto a brief that opposed abortion.
- **1995:** The LCMS signed a brief in support of religious liberty, and especially that ordinances protecting homosexuals as a class, as applied to religious employers, threatens that liberty.
- **2000:** The LCMS signed a brief opposing same-sex marriage.
- **2001:** The LCMS signed a brief challenging legislation that required health insurance policies to provide contraception coverage.
- **2011:** The LCMS signed a brief supporting the Defense of Marriage Act, a piece of federal legislation that would allow states not to have to recognize same-sex marriages performed in other states.

## Questions?

Call 888-THE-LCMS (843-5267) or email at [infocenter@lcms.org](mailto:infocenter@lcms.org).

