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Texas Impact Joins Amicus in Landmark Case *Fulton v. City of Philadelphia*

Texas Impact and the Texas Interfaith Center for Public Policy have joined with the Anti-Defamation League and other religious organizations in filing an amicus brief in *Fulton v. City of Philadelphia*. The brief urges the U.S. Supreme Court to reaffirm that government cannot give one religion dominion over another, especially using taxpayer funds in the provision of social services.

“Traditional American religious liberty does not allow a state contractor to be the sole arbiter of whom to serve based on religious criteria,” said attorney Joshua Houston, Advocacy Director for Texas Impact. “This is exactly the sort of practice that James Madison sought to prohibit when he wrote the First Amendment.”

Background on *Fulton v. City of Philadelphia*

In March of 2018, the City of Philadelphia learned that a private entity hired to provide foster care services would not license same-sex couples to be foster parents based on that private entity’s religious beliefs. After the City of Philadelphia informed the provider that the provider’s actions violated the city’s nondiscrimination laws, the provider sued the city alleging a constitutional right to the taxpayer-funded contract. In February of 2020, the Supreme Court of the United States agreed to hear the case.

For the past half-decade, whether government contractors can discriminate on the basis of religion or sexual orientation with taxpayer funds has been a flash point in legislative deliberations, executive actions, and court cases across the country at the federal, state, and local levels. Around the country, faith-based foster care agencies have been accused of discriminating against not just same-sex persons, but Muslims, Jews, and Catholics. In 2017, Texas passed HB 3859 permitting such discrimination with state funds. *Fulton v. City of Philadelphia* could determine the constitutionality of HB 3859.

“What the plaintiffs are arguing is that a government contractor’s rights should prevail over the free exercise rights of the beneficiary—such as a foster child, a foster parent, or a biological parent. Should the U.S. Supreme Court accept that argument, then every person of faith—especially religious minorities—would suffer more denials of services, employment, and housing in government programs,” said Houston. “The United States is more religiously diverse than at any point in our history. Creating such a special right for government contractors that enter into commercial activity as a matter of choice would not only depart from constitutional norms, but also would be increasingly and unnecessarily divisive in the years to come.”

Click for [a copy of the brief](#).

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Texas Impact was established by Texas religious leaders in 1973 to be a voice in the Texas legislative process for the shared religious social concerns of Texas’ faith communities. Texas Impact is supported by more than two-dozen Christian, Jewish and Muslim denominational bodies, as well as hundreds of local congregations, ministerial alliances and interfaith networks, and thousands of people of faith throughout Texas.