

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

WHITMAN-WALKER CLINIC, Inc. et. al. (Plaintiffs)	
V.	1:20-cv-01630-JEB
U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES et. al. (Defendants)	

LEAVE TO FILE AN AMICUS BRIEF IN SUPPORT OF THE DEFENDANTS BY (1) DE FACTO ATTORNEYS GENERAL, (2) SPECIAL FORCES OF LIBERTY, (3) THE ALLIANCE OF BLACK AND WHITE EX-GAYS AND EX-TRANS, (4) CENTER FOR GARDEN STATE FAMILIES, (5) COALITION OF DOCTORS DEFENDING REPARATIVE THERAPY, (6) THE COALITION OF MULTI-RACIAL PASTORS, (7) WARRIORS FOR CHRIST

NOW COMES De Facto Attorneys General, Special Forces Of Liberty, An Alliance Of Ex-gays and Ex-trans, Center For Garden State Families, Coalition of Doctors Defending Reparative Therapy, the Coalition of Multi-Racial Pastors, and Warriors For Christ pursuant to FRCP 7 and FRAP 29 seeking leave to file an Amicus brief in support of the Defendants.

“Although there is no formal rule governing the filing of amicus curiae briefs, district courts possess the inherent authority to grant or refuse leave to amicus parties.” *Georgia Aquarium, Inc. v. Pritzker*, 135 F. Supp. 3d 1280 (N.D. Ga. 2015). “A district court exercises wide discretion in deciding whether to grant or deny leave to file an amicus brief.” *United States v. Board of County Commissioners of the County of Otero*, 184 F.Supp. 3d 1097 (D.N.M. 2015). See also: Brief of an Amicus Curiae FRAP Rule 29;; Pleadings Allowed; Form of Motions and Other Papers FRCP Rule 7.



The interest of the *Amici* in the outcome of this action are manifested in their attached sworn statements.¹ The Plaintiffs assert that there is no controlling Constitutional legal basis

¹ **De Facto Attorneys General** consists, primarily of former Judge Advocate Generals, assistant State Attorneys General, and assistant U.S. Attorneys. De Facto Attorneys General takes on political hot topics that are sometimes too complex for the different aspects of DOJ to handle alone. The paramount mission of De Facto Attorneys General is to uphold the Constitution of the United States and the rule of law, preventing other groups like the Plaintiffs in this case from twisting the Constitution. See *Penkoski v. Bowser*, 1:20-cv-01519 (D.D.C. June 10, 2020). Chris Sevier is the founder of De Facto Attorneys General.

Special Forces Of Liberty is a group of highspeed Soldiers who author laws that parallel Judeo-Christian principles in an effort to maximize human flourishing. Some of the relevant legislation that SFOL has authored that is relevant to this action is the Disentanglement Act; the Life Appropriation Act; the Elevated Marriage Act; and the Stop Social Media Censorship Act. (See www.disentanglementact.com; www.lifeappropriationact.com; www.stopsocialmediacensorshipact.com). Sergeant Major John Gunter Jr. and Lieutenant Chris Sevier are the founders of Special Forces Of Liberty.

An Alliance Of Ex-Gays and Ex-trans consists of former self-identified homosexuals and self-identified transvestites who were once leaders in the LGBTQ cult. They now seek to expose the horrors and lies of the dangerous LGBTQ cult and its religious ideology, while giving voice to voiceless ex-gays and ex-trans individuals. See Declaration of Alliance of Black and White Ex-Gays and Ex-Trans; see declarations of Quinlan, Goodspeed, Cothran, and Harley.

The Center For Garden State Families' mission is to protect and promote faith, freedom and the natural family, in culture and public policy. <https://www.gardenstatefamilies.org/>. See the declaration of Quinlan. Greg Quinlan is the founder of Garden State Families.

The Coalition Of Doctors Defending Reparative Therapy consists of doctors who attest that there is no such thing as a gay gene and that the idea that sexual orientation is predicated on immutability is a lie. See the declaration of Dr. Tara King.

Coalition Of Multi-Racial Pastors consists of pastors, religious experts, theologians, and licensed ministers who testify that Secular Humanism is a religion and that the LGBTQ cult is a denominational sect that is inseparably linked to that religion. See the Declaration of the Coalition of Multi-Racial Pastors.

Warriors For Christ consists of Christians who have been viciously persecuted in the LGBTQ cult in the wake of the government's endorsement of their dangerous and phony tolerance agenda. <https://www.wfcchurch.org/>. See the declaration of Pastor Penkoski, Lisa Boucher, and Christian Resistance. Pastor Rich Penkoski is the founder of Warriors For Christ.

supporting the 2020 Trump Rule,² which modified the 2016 Obama Rule. The Plaintiffs base their case on the decision in *Bostock v. Clayton Cty., Ga.*, 590 U.S. ____, 2020 WL 3146686 (2020) and accuse HHS of modifying the 2016 Obama Rule based on single Federal district court decision out of Texas.

The *Amici* can help this Court find that the Establishment Clause of the First Amendment is the underlying legal basis that supports HHS decision to replace the 2016 Obama Rule with the 2020 Trump Rule. The *Amici* can help the Court find that:

- (1) Secular Humanism is a religion for the purposes of the First Amendment Establishment Clause;³ that
- (2) sexual orientation orthodoxy and gender ideology are doctrines, dogmas, and mythologies that are inseparably linked to the religion of Secular Humanism, as advocated by the LGBTQ cult;⁴ and that

² “The [2020] Trump] Rule eliminates the prohibitions on gender identity and sexual orientation discrimination in these regulations [85 Fed. Reg. at 37, 219-21, 37,247-48 (to be codified at 45 C.F.R. §§ 147.104(e), 155.120(c)(1)(ii), 155.220(j)(2)(i), 156.200(e), & 156.1230(b)(2) 42 C.F.R. §§ 438.3(d)(4), 438.206 (c)(2), and 440.262, 42 C.F.R. § 438.3(d)(4), 42 C.F.R. § 460.98(b)(3)]” all for the same reason - the Establishment Clause of the First Amendment requires that sexual orientation and gender identity be removed because their inclusion shows respect, endorsement, and favoritism towards the LGBTQ Secular Humanist religion.

³ *Torcaso v. Watkins*, 367 U.S. 488, 495 n. 11 (1961); *United States v. Seeger*, 380 U.S. 163 (1965); *United States v. Kauten*, 133 F.2d 703 (2d Cir. 1943); *School District of A Bington Township, Pa. v. Schempp*, 374 U.S. 203, 225 (1963); *Malnak v. Yogi*, 592 F.2d 197, 200-15 (3d Cir.1979); *Therriault v. Silber*, 547 F.2d 1279, 1281 (5th Cir. 1977); *Thomas v. Review Bd.*, 450 U.S. 707, 714, 101 S.Ct. 1425, 67 L.Ed.2d 624 (1981); *Lindell v. McCallum*, 352 F.3d 1107, 1110 (7th Cir. 2003); *Real Alternatives, Inc. v. Se'y Dep 't of Health & Human Ser*, 150 F. Supp. 3d 419, 2017 WL3324690 (3d Cir. Aug. 4, 2017); and *Wells v. City and County of Denver*, 257 F.3d 1132, 1148 (10th Cir. 2001). (See also the Decl. of Multi-Racial Pastors ¶¶ 2-3)

⁴ See Decl. Alliance of Black and White Ex-Gays and Ex-Trans. ¶ 7; Decl. Pastor Penkoski ¶¶ 1-34; Decl. Lisa Boucher ¶¶ 1-10; Decl. Christian Resistance ¶¶ 1-21; Decl. Dr. Cretella ¶¶ 1-20; Decl. Dr. King ¶¶ 1-20.

(3) the 2016 Obama Rule must be replaced because it violates the Establishment Clause by failing the *Lemon* Test⁵ in its making and enforcement in that it (a) consists of a non-secular sham that lacks a primary purpose that (b) cultivates an indefensible legal weapon against non-observers of the religion of Secular Humanism and (c) servers to excessively entangle the government with the religion of Secular Humanism.

In short, the *Amici* will help the Court see that it should sua sponte dismiss the Plaintiffs' case for lacking subject matter jurisdiction. The Court should grant any FRCP 12(b)(6) motion filed by the Defendants because the Plaintiffs fail to state a claim upon which relief can be granted and because the Plaintiffs manage to provide the very legal bases for why their complaint should be dismissed with prejudice. For these reasons and others leave should be granted.

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⁵ To pass muster under the Establishment Clause, a practice must satisfy the *Lemon* test, pursuant to which it must: (1) have a valid secular purpose; (2) not have the effect of advancing, endorsing, or inhibiting religion; and (3) not foster excessive entanglement with religion." See *Lemon v. Kurtzman*, 403 U.S. 602 (1971). Government action "violates the Establishment Clause if it fails to satisfy any of these prongs." *Edwards v. Aguillard*, 482 U.S. 578, 583 (1987); *Agostini v. Felton*, 521 U.S. 203, 218 (1997)

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CERTIFICATE OF SERVICE

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