

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

**Emilee Carpenter, LLC d/b/a Emilee  
Carpenter Photography and Emilee  
Carpenter,**

Plaintiffs,

v.

**Letitia James**, in her official capacity as  
Attorney General of New York; **Jonathan  
J. Smith**, in his official capacity as Interim  
Commissioner of the New York State  
Division of Human Rights; and **Weeden  
Wetmore**, in his official capacity as  
District Attorney of Chemung County,  
Defendants.

Case No. 6:21-CV-06303

**MEMORANDUM IN SUPPORT OF THE FREDERICK DOUGLASS FOUNDATION’S,  
COALITION OF AFRICAN AMERICAN PASTORS’, THE RESTORATION  
PROJECT’S AND CONSERVATIVE CLERGY OF COLOR’S MOTION FOR LEAVE  
TO FILE AN AMICI CURIAE BRIEF IN SUPPORT OF PLAINTIFFS’ MOTION FOR  
PRELIMINARY INJUNCTION.**

Before addressing the reasons why this Court should allow the amici to file their proposed brief in this case, an introduction of the four amici will assist the Court in understanding the groups perspective.

Frederick Douglass Foundation (“FDF”) is a national grassroots education and public policy organization with local chapters across the United States. It supports Strengthening the Black Family, Criminal Justice Reform, and Economic Opportunity. FDF is a collection of proactive individuals committed to developing innovative and new approaches to today's problems with the assistance of elected officials, scholars, ministers, professionals and community activist.

Coalition of African American Pastors (“CAAP”) is a national black-led organization dedicated to the propagation of Biblical values. CAAP takes policy positions that support our

core principles, especially regarding defense of religious freedom, marriage, the family, and other issues that are critical to our community.

The Restoration Project (“TRP”) is a non-profit organization focus to transforming American public policy and culture's impact on Black life. TRP’s focus is dedicated to rebuilding families, promoting the sanctity of life, and providing related educational materials. TRP works with pastors, ministry leaders and organizations to restore a culture of uprightness, virtue and evenhandedness.

Conservative Clergy of Color (“CCC”) is an educational nonprofit that seeks to set the record straight on the truths that guide our country. CCC’s goal is to build, not to destroy. Its mission is to enrich the understanding of our history, but not to erase the unpleasant parts.

This Court should exercise its discretion to grant leave for amici States to file their proposed brief addressing the important issues raised in Carpenter’s Motion for Preliminary Injunction. Although this Court does not have specific rules governing amicus briefs, federal district courts have “inherent authority” to grant participation by amicus curiae. *Mobile Cty. Water, Sewer & Fire Prot. Auth., Inc. v. Mobile Area Water & Sewer Sys., Inc.*, 567 F. Supp. 2d 1342, 1344 n.1 (S.D. Ala. 2008); *Jin v. Ministry of State Security*, 557 F. Supp. 2d 131, 136 (D.D.C. 2008). No strict prerequisites must be established prior to qualifying for amicus status. *United States v. State of La.*, 751 F. Supp. 608, 620 (E.D. La. 1990). Rather, parties seeking to appear as amicus must simply show that their participation is useful or otherwise desirable. *Id.* (citing *Leigh v. Engle*, 535 F. Supp. 418, 420 (N.D. Ill. 1982)).

Under these standards, this Court should allow amici States to file their proposed brief in this case. The amici have a unique prospective as Black religious groups. Black religious voices should be heard on legal decisions that will affect their community. Additionally, the amici can

assist the Court in contextualizing and understanding how equating racism with holding traditional beliefs about marriage and sexuality devalues the experience of those who suffered the harms of invidious discrimination due to skin color and ultimately disrespects beliefs held by many Black churches and most major faith tradition for millennia.

Because the proposed brief provides an important perspective on the issues raised in this case, their brief will assist the Court in ruling on the pending Motion for Preliminary Injunction. Therefore, the amici requests that the Court grant their motion and accept their proposed brief.

Dated: June 21, 2021

*/s/ Philip J. Vecchio, Esq.*

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and Conservative Clergy of Color*

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**Certificate of Service**

I certify that on June 21, 2021, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system and that all participants in the case are registered CM/ECF users and will be served by the CM/ECF system.

**/s/ Philip J. Vecchio, Esq.**

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