

## ACLU Defense of Freedom of Religious Practice and Expression

July 2008

The ACLU vigorously defends the right of Americans to practice religion. But because the ACLU is often better known for its work preventing the government from promoting and funding selected religious activities, it is often wrongly assumed that the ACLU does not zealously defend the rights of religious believers, including Christians, to practice their religion. The cases below – including several where the ACLU even defended the rights of religious believers to condemn homosexuality or abortion – reveal just how mistaken such assumptions are.

Although the cases described below emphasize “the free exercise of religion,” the guarantees of the Establishment Clause also protect the rights of religious believers (and non-believers) from government promotion of some religious beliefs over others.

The following selected recent cases (mostly since 1995) show that the ACLU defends the rights of those who identify themselves as Christians (Part I) as well as those who have other beliefs (Part II).

### Part I

#### Defending the Rights of those Identifying Themselves as Christian

The ACLU of **Southern California** (2008) filed suit on behalf of members of a faith-based charity organization after park rangers threatened to arrest the members for serving hot meals and distributing Bibles to the homeless on Doheny State Beach.

<http://www.aclu-sc.org/releases/view/102880>

The ACLU of **Louisiana** (2008) filed a brief before the U.S. Court of Appeals for the Fifth Circuit supporting an individual’s right to quote Bible verses on public streets in Zachary, Louisiana.

<http://www.laclu.org/News/2008/NetherlandAmicus060408.html>

The ACLU and the ACLU of **Texas** (2008) filed a friend-of-the-court brief in the Texas Supreme Court in support of mothers who had been separated from their children by the Texas Department of Family and Protective Services (DFPS). The DFPS seized more than 450 children from their homes in Eldorado, Texas following vague allegations about child abuse by some members of the Fundamentalist Church of Jesus Christ of Latter-day Saints. While fully supporting the state’s commitment to protecting children from abuse, the ACLU argued that Texas law and the U.S. Constitution required that the children be returned unless the state could provide the requisite evidence of abuse. Neither Texas law nor the U.S. Constitution allows the state to separate children and their parents based on purported cultural harm alone or on the state’s disapproval of the families’ religious

beliefs. In May 2008, the Texas Supreme Court unanimously ruled, consistent with the ACLU position, that the state must return the children to their homes pending further investigation of allegations of abuse.

<http://www.aclu.org/religion/gen/35468prs20080529.html>

<http://www.aclu.org/religion/gen/35500prs20080602.html>

The ACLU of **Florida** (2007) argued in favor of the right of Christians to protest against a gay pride event held in the City of St. Petersburg. The City had proposed limiting opposition speech, including speech motivated by religious beliefs, to restricted “free speech zones.” After receiving the ACLU’s letter, the City revised its proposed ordinance.

<http://www.aclufl.org/pdfs/StPeteLetter.pdf>

The ACLU of **Oregon** (2007) defended the right of students at a private religious school not to be pressured to violate their Sabbath day by playing in a state basketball tournament. The Oregon School Activities Association scheduled state tournament games on Saturdays, the recognized Sabbath of students and faculty of the Portland Adventist Academy. The ACLU argued that the school’s team, having successfully made it to the tournament, should not be required to violate their religious beliefs in order to participate.

[http://www.aclu-or.org/site/PageServer?pagename=Lit\\_tp\\_nak](http://www.aclu-or.org/site/PageServer?pagename=Lit_tp_nak)

[http://www.aclu-or.org/site/DocServer/Lit\\_OsAA\\_mtgmy\\_3\\_07.pdf?docID=1861](http://www.aclu-or.org/site/DocServer/Lit_OsAA_mtgmy_3_07.pdf?docID=1861)

The ACLU of **West Virginia** (2007) sued on behalf of a Church of Jesus Christ of Latter-day Saints (Mormon) university student who won a prestigious scholarship to West Virginia University. Although the state scholarship board provided leaves of absence for military, medical, and family reasons, it denied the ACLU’s client a leave of absence to serve on a 2-year mission for his church. The ACLU filed a religious freedom claim in federal court.

[http://www.acluwv.org/Newsroom/PressReleases/07\\_19\\_07.html](http://www.acluwv.org/Newsroom/PressReleases/07_19_07.html)

The ACLU of **North Carolina** (2007) challenged a North Carolina Department of Corrections policy making all religious services in prison English-only, thereby denying access to many inmates. The North Carolina Division of Prisons agreed to review the policy and the need for religious services in languages other than English in the state correctional system.

The ACLU of **Wisconsin** (2007) filed a friend-of-the-court brief arguing that individual pharmacists should be able to refuse to fill prescriptions that violate their religious scruples, provided that patients can obtain prescriptions from willing providers in a safe and timely manner.

<http://www.aclu->

[wi.org/wisconsin/rights\\_of\\_women/20070201\\_Pharm\\_Refusal\\_amicus\\_complete.pdf](http://www.aclu-wi.org/wisconsin/rights_of_women/20070201_Pharm_Refusal_amicus_complete.pdf)

The ACLU of **New Jersey** (2007) defended the right of an elementary school student who was prohibited from singing “Awesome God” in a voluntary, after-school talent show for which students selected their own material. The ACLU submitted a friend-of-the-court brief. After a favorable settlement was reached for the student, the federal lawsuit was dismissed.

<http://www.aclu.org/religion/schools/25799prs20060605.html>

The **ACLU** and the ACLU of **Pennsylvania** (2007) prevailed in their case on behalf of an Egyptian Coptic Christian who had been detained and who claimed he had been tortured by the Egyptian government because he refused to convert to Islam. After permitting Sameh Khouzam to stay in the United States for nine years based on evidence that he would probably be tortured if he returned to Egypt, the U.S. government changed its position in 2007 and sought to deport Mr. Khouzam based on diplomatic assurances from the Egyptian government that Mr. Khouzam would not be tortured upon return. As a result of the ACLU’s advocacy, a federal court granted Mr. Khouzam an indefinite stay of deportation to Egypt.

<http://www.aclupa.org/legal/legaldocket/egyptiantorture/courtrejectsdeportationofe.htm>

The ACLU of **North Carolina** (2007) wrote a letter to the Dismas Charities Community Correction Center on behalf of a former resident who was told he could not drink wine during communion services while confined at the Center. After the ACLU advised the Center of its obligations under the Religious Land Use and Institutionalized Persons Act of 2000, the Center revised its communion policy to comply with federal law.

The ACLU of **Georgia** (2007) filed a federal lawsuit to help obtain a zoning permit for a house of worship on behalf of the Tabernacle Community Baptist Church after the city of East Point denied the request. The city has since repealed the ordinance and churches are now allowed to occupy buildings that were previously used for commercial purposes.

<http://www.aclu.org/religion/discrim/25518prs20060419.html>

<http://www.acluga.org/press.releases/0707/church.east.point.html>

The ACLU of **Delaware** (2007) prevailed in a lawsuit brought on behalf of Christians, pagans, and Wiccans, alleging that a department store violated a Delaware public accommodations law by canceling community courses after individuals complained about the religious beliefs that were being taught in the centers.

(This case is also listed in Part II.)

The ACLU of **Eastern Missouri** (2007) represented Shirley L. Phelps-Roper, a member of the Westboro Baptist Church, whose religious beliefs led her to condemn homosexuality as a sin and insist that God is punishing the United States. The protests in which she has been involved have been confrontational and have involved funerals of soldiers killed in Iraq. While the ACLU does not endorse her message, it does believe that she has both religious and free-speech rights to express her viewpoint criticizing homosexuality.

<http://www.aclu.org/freespeech/protest/26265prs20060721.html>

The ACLU of **North Carolina** (2007) assisted with the naturalization of a Jehovah's Witness who was originally denied citizenship based on his conscientious refusal to swear an oath that he would be willing to bear arms on behalf of the country.

The ACLU of **Rhode Island** (2007) prevailed in its arguments on behalf of a Christian inmate, Wesley Spratt, who had been preaching in prison for over seven years before administrators told him to stop based on vague and unsubstantiated security concerns. After the ACLU prevailed in the First Circuit, the parties reached a settlement under which Mr. Spratt is free to preach again. [http://www.projo.com/news/content/Preacher\\_07-31-07\\_T76IHBQ.34294dd.html](http://www.projo.com/news/content/Preacher_07-31-07_T76IHBQ.34294dd.html)

The ACLU of the **National Capital Area** (2007) brought suit on behalf of Christian, Muslim, and Jewish firefighters and paramedics who wear beards as a matter of religious observance. The U.S. District Court for the District of Columbia agreed with the ACLU that the District of Columbia's policy prohibiting these individuals from wearing beards violated their religious freedom rights.

<http://www.aclu-nca.org/boxSub.asp?id=84>

(This case is also listed in Part II.)

The ACLU of **Louisiana** (2006) reached a favorable settlement after filing a federal suit against the Department of Corrections on behalf of an inmate who was a member of the Church of Jesus Christ of Latter-day Saints (Mormon). The inmate, Norman Sanders, was denied access to religious services and religious texts including *The Book of Mormon*.

<http://www.laclu.org/News/2005/Aug26SandersvCain.htm>

The ACLU of **Texas** (2006) filed a friend-of-the-court brief in support of a Christian pastor and his faith-based rehabilitation facility in Sinton, Texas. The ACLU of Texas urged the court to reverse a decision that prohibited the pastor from operating his rehabilitation program near his church and also sharply limited the reach of the Texas Religious Freedom Restoration Act (RFRA).

<http://www.aclutx.org/article.php?aid=391>

The ACLU of **Louisiana** (2006) prevailed in its lawsuit defending the right of a Christian man to exercise his religious and speech rights by protesting against homosexuality in front of a Wal-Mart store with a sign that read: “Christians: Wal-Mart Supports Gay Marriage and Gay Lifestyles. Don’t Shop There.”

[http://www.laaclu.org/News/2006/Crayton\\_111306.htm](http://www.laaclu.org/News/2006/Crayton_111306.htm)

<http://www.aclu.org/freespeech/protest/27266prs20061027.html>

The ACLU of **Nevada** (2006) defended the free exercise and free speech rights of evangelical Christians to preach on the sidewalks of Las Vegas. When the County government refused to change its unconstitutional policy, the ACLU filed suit in federal court.

<http://www.kvbc.com/Global/story.asp?S=3379553&nav=15MVaB2T>

The ACLU of **Louisiana** (2006) reached a favorable settlement on behalf of a student teacher who objected to classroom prayers and other religious activities led by her supervising teacher. After she voiced disagreement with her supervisor’s unconstitutional practice of telling children how to pray, the student teacher received a failing grade and was not permitted to graduate from the teaching program. Under the settlement obtained by the ACLU of Louisiana, the university removed the failing grade and allowed the student to complete her graduation requirements.

<http://www.firstamendmentcenter.org/news.aspx?id=17478>

[http://www.laaclu.org/News/2006/aclu\\_settlement\\_ThompsonvSLU\\_Oct0306.htm](http://www.laaclu.org/News/2006/aclu_settlement_ThompsonvSLU_Oct0306.htm)

The **ACLU and its affiliates** (1999-2006) have been instrumental supporters of the Religious Land Use and Institutionalized Persons Act (RLUIPA), which gives religious organizations added protection in erecting religious buildings and enhances the religious freedom rights of prisoners and other institutionalized persons. The ACLU worked with a broad coalition of organizations to secure the law’s passage in 2000. After the law was enacted, the **ACLU** (2005) defended its constitutionality in a friend-of-the-court brief before the United States Supreme Court and the ACLU of **Virginia** (2006) opposed a challenge to the law before the Fourth Circuit Court of Appeals.

<http://www.aclu.org/scotus/2004/20956res20041230039877/20956res20041230.html>

<http://www.aclu.org/religion/frb/26018prs20060612.html>

The **Iowa** Civil Liberties Union (2005) defended the rights of two teenage girls who, for religious reasons, sought to wear anti-abortion t-shirts to school after school officials threatened to punish them.

<http://www.aclu.org/studentsrights/expression/12852prs20050429.html>

The ACLU of **New Mexico** (2005) helped release a street preacher who had been incarcerated in Roosevelt County jail for 109 days. The case was brought to the ACLU by the preacher's wife and was supported by the American Family Association.

<http://www.aclu.org/religion/gen/19918prs20050804.html>

The ACLU of **Michigan** (2005) filed a federal lawsuit on behalf of Joseph Hanas, a Roman Catholic who was punished for not completing a drug rehabilitation program run by a Pentecostal group whose religious beliefs he did not share. Part of the program required reading the Bible for seven hours a day, proclaiming one's salvation at the altar, and being tested on Pentecostal principles. The staff confiscated Mr. Hanas's rosary beads and told him Catholicism was witchcraft.

<http://www.aclu.org/religion/govtfunding/22354prs20051206.html>

The ACLU of **Southern California** (2005) defended an evangelical scholar who monitored the fundraising practices of several ministries and their leaders after a defamation suit was brought against him in order to silence him.

<http://www.aclu-sc.org/News/Releases/2005/101364/>

The ACLU of **Pennsylvania** (2004-2005) won two cases on behalf of predominantly African-American churches that were denied permits to worship in churches previously occupied by white congregations. In 2005, the ACLU of Pennsylvania settled a case against Turtle Creek Borough brought on behalf of Ekklesia church. After the ACLU of Pennsylvania's advocacy, the Borough of West Mifflin granted Second Baptist Church of Homestead an occupancy permit in 2002 and, in 2004, agreed to pay it damages and compensate it for its losses.

[http://www.post-gazette.com/neigh\\_south/20021029churchsuitsouth2p2.asp](http://www.post-gazette.com/neigh_south/20021029churchsuitsouth2p2.asp)

<http://www.post-gazette.com/localnews/20021116aclureg6p6.asp>

<http://www.post-gazette.com/pg/04111/303298.stm>

<http://www.aclu.org/RacialEquality/RacialEquality.cfm?ID=11083&c=28>

The ACLU of **New Jersey** (2004) appeared as a friend of the court to argue that a prosecutor violated the New Jersey Constitution by striking individuals from a jury pool after deciding that they were "demonstrative about their religion." One potential juror was a missionary; the other was wearing Muslim religious garb, including a skull cap. The ACLU-NJ also argued that permitting strikes based on jurors' display of their religion would often amount to discrimination against identifiable religious minorities.

<http://www.aclu-nj.org/legal/closedcasearchive/statevllloydfuller.htm>

(This case is also listed in Part II.)

The ACLU of **Nebraska** (2004) defended the Church of the Awesome God, a Presbyterian church, from forced eviction under the city of Lincoln's zoning laws. The ACLU of Nebraska also challenged city ordinances requiring religious organizations to meet safety standards not imposed on non-religious groups.

<http://www.aclu.org/religion/frb/16347prs20040811.html>

The ACLU of **Pennsylvania** (2004) prevailed in its arguments that the government had to allow Amish drivers to use highly reflective gray tape on their buggies instead of orange triangles, to which the drivers objected for religious reasons.

<http://www.post-gazette.com/localnews/20021020amish1020p6.asp>

The ACLU of **Virginia** (2004) threatened to file suit against the Fredericksburg-Stafford Park Authority after the Park Authority enacted an unconstitutional policy prohibiting religious activity in the park and the Park Manager stopped a Cornerstone Baptist Church minister from conducting baptisms in the park. Under pressure from the ACLU, the Park Authority revoked the prohibition and allowed baptisms in the park.

<http://www.aclu.org/religion/discrim/16230prs20040603.html>

<http://www.washingtonpost.com/ac2/wp-dyn/A16839-2004Jun4?language=printer>

<http://www.aclu.org/religion/discrim/16230prs20040603.html>

The ACLU of **Washington** (2004) reached a favorable settlement on behalf of Donald Ausderau, a Christian minister, who wanted to preach to the public and distribute leaflets on the sidewalks around a downtown bus station in Spokane, WA.

<http://www.aclu-wa.org/detail.cfm?id=57>

With the help of the ACLU of **Pennsylvania, Greater Pittsburgh** Chapter (2004), an Episcopal social services group was able to keep its program of feeding the homeless running. The County Health Department reversed its decision that meals served to homeless people in a church must be cooked on the premises, as opposed to in individual homes. Had the decision not been reversed, the ministry would have been forced to cease the program.

The ACLU of **Virginia** (2004) told the city of Richmond that it would file suit unless Richmond officials reconsidered their decision to close a Sunday meal program for the homeless at a local church because of zoning violations. “[T]he right of a church to perform a core function of its religious mission,” the ACLU wrote, “is protected by the free exercise clause of the First Amendment and the Religious Freedom Restoration Act of 1993.”

<http://web.archive.org/web/20040109051557/archive.aclu.org/news/w091196b.html>

The ACLU of **Nevada** (2004) represented a Mormon high school student, Kim Jacobs, whom school authorities suspended and then attempted to expel for wearing T-shirts with religious messages.

The ACLU of **Michigan** (2004) represented Abby Moler, a student at Sterling Stevenson High School, whose yearbook entry, a Bible verse, was deleted because of its religious content. A settlement was reached under which the school placed a sticker with Moler's original entry in the yearbooks and agreed not to censor students' yearbook entries based on their religious or political viewpoints in the future.

<http://www.aclu.org/studentsrights/expression/12845prs20040511.html>

The **Indiana** Civil Liberties Union (2004) filed suit on behalf of the Old Paths Baptist Church against the City of Scottsburg after the city repeatedly threatened to cite or arrest members who held demonstrations regarding various subjects dealing with their religious beliefs.

<http://www.aclu.org/freespeech/protest/11484prs20040716.html>

The ACLU of **Massachusetts** (2003) intervened on behalf of a group of students at Westfield High School who were suspended for distributing candy canes and a religious message in school. The ACLU succeeded in having the suspensions revoked and filed a friend-of-the-court brief in a lawsuit brought on behalf of the students against the school district.

<http://www.aclu.org/studentsrights/expression/12828prs20030221.html>

The ACLU of **Rhode Island** (2003) interceded on behalf of an interdenominational group of carolers who were told they could not sing Christmas carols on Christmas Eve to inmates at the women's prison in Cranston, Rhode Island.

The ACLU of **Virginia** (2002) and the late Rev. Jerry Falwell prevailed in a lawsuit arguing that a Virginia constitutional provision banning religious organizations from incorporating was unconstitutional.

<http://www.aclu.org/religion/frb/16040prs20020417.html>

The ACLU of **Ohio** (2002) filed a brief in support of a preacher who wanted to protest abortion at a parade, but was prohibited from doing so in an Akron suburb.

<http://www.freedomforum.org/templates/document.asp?documentID=16471>

The **Iowa** Civil Liberties Union (2002) filed a friend-of-the court brief supporting a group of Christian students who filed a lawsuit against Davenport Schools asserting their right to distribute religious literature during non-instructional time.

<http://www.aclu.org/studentsrights/religion/12811prs20020711.html?ht=>

The ACLU of **Nebraska** (2002) filed a friend-of-the-court brief challenging a Nebraska Liquor Control Commission regulation that defined “church” in a manner that excluded all religious organizations that do not own property. ACLU lawyer Amy Miller argued that the “definition of a church established by the Liquor Control Commission violated the rights of members of the House of Faith to the free exercise of their religion.”

<http://www.freedomforum.org/templates/document.asp?documentID=16114>

The ACLU of **Massachusetts** (2002) filed a brief supporting the right of the Church of the Good News to run ads criticizing the secularization of Christmas and promoting Christianity as the “one true religion.” The Massachusetts Bay Transportation Authority had refused to allow the paid advertisements to be posted and refused to sell additional advertising space to the church.

<http://www.aclu.org/freespeech/gen/10925prs20020108.html>

The ACLU of **Virginia** (2000) represented Charles D. Johnson, a street preacher who was convicted under Richmond’s noise ordinance. The Virginia Court of Appeals reversed his conviction in 2000.

The ACLU of **Massachusetts** (2000) defended inmate Peter Kane’s right to exercise his religious beliefs after prison officials confiscated his rosary beads. The rosary beads were black and white and prison rules allowed only solid-colored beads.

<http://www.firmstand.org/news/rosary.html>

The ACLU of **Virginia** (1999) represented Rita Warren and her right to erect a crèche on Fairfax County government space that had been set aside as a public forum. The ACLU argued that restricting the use of the public forum to county residents only was an unreasonable restriction. The Fourth Circuit Court of Appeals agreed.

<http://www.providence.edu/polisci/cammarano/article-Masters.htm>

<http://www.catholicherald.com/eddesk/97ed/ed971211.htm>

The ACLU of **Eastern Missouri** (1999) secured a favorable settlement for a nurse, Miki M. Cain, who was fired for wearing a cross-shaped lapel pin on her uniform.

The ACLU of **Virginia** (1999) filed suit against the Department of Defense and the Office of Personnel Management on behalf of Michelle Hall, a Jehovah’s Witness who was fired from her job as a produce worker at the Fort Belvoir commissary because she refused to sign a loyalty oath. Ms. Hall objected to a phrase in the oath, that she would “bear true faith and allegiance to” the Constitution, because it contradicted her undivided allegiance and faithfulness to Jehovah. In a settlement, Ms. Hall was reinstated and given back pay.

<http://www.freedomforum.org/templates/document.asp?documentID=8521>

The ACLU of **Florida** (1999) filed the first case under Florida’s Religious Freedom Restoration Act. The suit sought to prevent the removal and destruction of religious

symbols, including crosses, stars of David, and other religious symbols placed on the gravesites of the plaintiffs' family members.

<http://www.aclu.org/temp/pr1999/13603prs19990322.html>

(This case is also listed in Part II.)

The ACLU of **West Virginia** (1999) represented a minister in the Church of the Firstborn at New Jerusalem in his suit seeking a religious exemption to the state's requirement that he take a photograph on his driver's license. The minister's religious beliefs prohibit the use of "graven images," including photographs.

<http://www.aclu.org/religion/discrim/16173prs19990720.html>

The ACLU of **Pennsylvania, Greater Pittsburgh** Chapter (1997) represented Carlyn Kline, a fundamentalist Christian woman who challenged the legality of a mandatory divorce-counseling program conducted by Catholic Charities. Her religious beliefs prohibited her from attending "non-Christian" counseling.

The ACLU of **Iowa** (1997) represented Conservative Christians in Clarke County and won the right to force a county referendum on gambling.

<http://www.aclu.org/studentsrights/expression/12852prs20050429.html>

The ACLU of **Pennsylvania, Greater Pittsburgh** Chapter (1997) intervened on behalf of a Mennonite nurse and prevented his state employer from firing him for refusing to shave his beard for religious reasons. The employer demanded the nurse shave his beard so the state-issued mask to guard against tuberculosis would fit tightly despite the employee's offer to purchase a more expensive mask approved for work with T.B. patients that would fit properly with his beard intact. After receiving telephone calls and letters from the ACLU, the employer agreed to accommodate his religion.

The **Arizona** Civil Liberties Union (1997) brought suit jointly with Children of the Rosary, a pro-life religious organization, challenging a Phoenix policy banning all non-commercial advertising on city transit buses.

<http://web.archive.org/web/19971122003414/www.aclu.org/news/n012397b.html>

The ACLU of **Massachusetts** (1996) filed a friend-of-the-court brief in the Supreme Judicial Court of Massachusetts on behalf of two women who were fired for refusing, on religious grounds, to work at a racetrack on Christmas Day.

The **ACLU of Pennsylvania, Greater Pittsburgh** Chapter (1995) represented a 17-year-old foster child who was being forced to attend her foster family's church. The foster child was Methodist and the church she was being forced to attend was not of the Methodist faith. After the ACLU threatened to sue, the county allowed the child to attend a Methodist church and placed her in a different foster home.

The ACLU of **Vermont** (1995) brought suit on behalf of a family that held sincere religious beliefs preventing them from obtaining social security numbers for their children. The Vermont Human Services Board agreed with the ACLU of Vermont and ordered the Social Welfare Department to make an exception to its general rule requiring children who receive government benefits to have social security numbers.

The **ACLU of Pennsylvania, Greater Pittsburgh** Chapter (1995) secured the right of a minister from the United Methodist Church to hold meetings in the Harmony Township Borough building that was open for use by community groups.

The ACLU of **Iowa** (1995) represented and vindicated the free speech and religious expression of a conservative Christian activist, Elaine Jaquith of Waterloo, who had been denied access to broadcast her message on public television.

<http://www.aclu.org/studentsrights/expression/12852prs20050429.html>

Amish farmers benefited from the ACLU of **Pennsylvania, Greater Pittsburgh** Chapter's letter (1995) threatening a lawsuit if the Elk Lick Township failed to rescind a municipal ordinance prohibiting farm tractors with steel wheels from traveling on or over the township's roads. Amish religious beliefs dictate that they maintain steel wheels on their tractors; the ordinance prevented Amish farmers from moving their tractors from one farm to another, and in some cases from one part of their property to another. The township rescinded the ordinance in 1995 and dropped all charges against the various persons charged under the ordinance.

The ACLU of **Idaho** (1980) represented Evangelical Christian parents of public school students at North Fremont High School who disputed their school's decision to hold graduation ceremonies at a Mormon church (Church of Jesus Christ of Latter-day Saints). Although the proposed church was larger than other available facilities and was air conditioned, the parents believed that their children should not be required to attend a public high school graduation in a Mormon facility. The federal judge agreed. (This case illustrates the same principle as the ACLU of **New Jersey** (2007) case (cited below) that was brought by a Muslim student who did want his graduation to be held at a church.)

[http://www.aclu.org/pdfs/religion/reimannvfreemont\\_acluidaho.pdf](http://www.aclu.org/pdfs/religion/reimannvfreemont_acluidaho.pdf)

## **Part II**

### **Defending the Rights of All Religious Believers**

The ACLU and the ACLU of **Southern California** (2007) filed suit on behalf of Jameelah Medina, a Muslim woman who was forced by local deputies to remove her religious head covering while she was in custody in San Bernardino County's West Valley Detention Center. Despite her repeated requests to keep her head covered during her day-long incarceration, Medina was forced to remove her hijab in the presence of men she did not know and to remain uncovered for much of the day.

<http://www.aclu.org/womensrights/gen/35300res20071206.html>

The ACLU of **New Mexico** (2007) represented four Muslim football players in their religious discrimination suit against New Mexico State University. The players received a favorable settlement after the ACLU of New Mexico argued in federal court that the University's head football coach violated the players' religious freedom rights by repeatedly asking them questions about al Qaeda, removing them from the University's team, and requiring all players to recite the Lord's Prayer at the end of each practice.

[http://aclu-nm.org/News\\_Events/news\\_6\\_21\\_07.html](http://aclu-nm.org/News_Events/news_6_21_07.html)

<http://sports.espn.go.com/ncf/news/story?id=2204478>

The ACLU of **North Carolina** (2007) won its lawsuit against the state of North Carolina to permit witnesses at trial to take oaths on the religious scriptures of their own religious beliefs (in this case Islam) rather than on those approved by the state.

<http://www.aclu.org/religion/govtfunding/29872prs20070524.html>

The ACLU of **Southern California** (2007) represents Calvin Chee Keong Lee, a Buddhist-Taoist conscientious objector who enlisted in the U.S. Army shortly after arriving in the United States from Malaysia. Currently stationed in Ft. Irwin, California and scheduled for imminent deployment to Iraq, Lee sought discharge from the Army based on his religious beliefs, which compel him not to kill or cause injury to others. When he enlisted, Lee believed that he would be able to remain in his civilian construction job.

<http://www.aclu-sc.org/releases/view/102655>

The **ACLU** (2007) argued that veterans and their families should be able to decide for themselves which religious symbol is placed on a deceased veteran's headstone at federal cemeteries. The ACLU challenged the constitutionality of a U.S. Department of Veterans Affairs policy that had restricted religious symbols only to those that had been approved by government officials. The Department of Veterans Affairs settled the case by agreeing to allow a Wiccan five-pointed star encased in a circle included on the plaintiffs' loved ones' military headstones. (The ACLU has frequently, and inaccurately, been accused of attempting to eliminate religious symbols from federal cemeteries. To the contrary, the

right of veterans and their families to choose how to represent their beliefs belongs to them and not the government.)

<http://www.aclu.org/religion/discrim/26970prs20060929.html>

The ACLU of **West Virginia** and the ACLU of the **National Capital Area** (2007) represented a Muslim Iranian-American couple, both of whom were terminated from the National Institute for Occupational Safety and Health (NIOSH) because of their religion and without due process. The ACLU negotiated an agreement with NIOSH under which the husband and wife were reinstated to their previous positions with back pay, benefits, and damages.

[http://www.acluww.org/Newsroom/PressReleases/12\\_18\\_06.htm](http://www.acluww.org/Newsroom/PressReleases/12_18_06.htm)

<http://www.acluww.org/Slideshow/AfshariSlideshow.htm>

The **New York** Civil Liberties Union (2007) successfully brought suit on behalf of a Muslim prison guard who was told that he had to remove his head covering (known as a kufi), while working, even though he had worn it while on duty for many years. A federal judge ordered the New York Department of Corrections to allow the guard to wear his head covering on the job again.

<http://www.nyclu.org/node/1062>

The ACLU of **Alabama** (2007) represented Native American inmates in their successful religious liberty suit requiring the state of Alabama to permit sacred sweat lodge ceremonies at designated correctional facilities on holy days. After winning that case, the ACLU of Alabama represented some of the inmates again when the State attempted to transfer them to a correctional facility in Louisiana that does not allow such religious ceremonies.

The ACLU of **Delaware** (2007) prevailed in a lawsuit brought on behalf of Christians, pagans, and Wiccans, alleging that a department store violated a Delaware public accommodations law by canceling community courses after individuals complained about the religious beliefs that were being taught in the centers.

(This case is also listed in Part I.)

The ACLU of **Georgia** (2007) wrote a letter to the Centers for Disease Control and Prevention on behalf of a Sikh physician. The doctor had been instructed that he must, contrary to his religious beliefs, shave his beard and remove his turban in order to work at the Public Health Commissioned Corporation of CDC. After receiving the ACLU of Georgia's letter, the CDC implemented a new, individualized process for requests for religious exemptions that creates a general presumption in favor of religious accommodation.

The ACLU of the **National Capital Area** (2007) brought suit on behalf of Christian, Muslim, and Jewish firefighters and paramedics who wear beards as a matter of religious observance. The U.S. District Court for the District of Columbia agreed with the ACLU that the District of Columbia's policy prohibiting these individuals from wearing beards violated their religious freedom rights.

<http://www.aclu-nca.org/boxSub.asp?id=84>

(This case is also listed in Part I.)

The ACLU of **West Virginia** (2007) brought suit challenging a company's refusal to permit one of its employees to wear a skirt to work. The employee's religious beliefs prohibited her from wearing trousers. The employer refused to accommodate these beliefs despite the employee's offer to pay for a uniform skirt with her own funds.

<http://www.aclu-wv.org/LegalProgram/Docket%20July19,2007.pdf>

The ACLU of **Missouri** (2007) sent a letter to the Kansas City Water Department demanding that a Muslim employee be permitted to attend Friday prayers. The Department responded by extending the employee's Friday lunch to accommodate her religious observance.

The ACLU of **Nevada** (2007) appeared before the Nevada Equal Rights Commission (NERC) and the EEOC on behalf of a Jewish Orthodox employee of the Las Vegas Metropolitan Police Department whose request to wear a trim beard and yarmulke while at his non-uniform, desk job was denied. When the Department still refused to grant the employee a religious accommodation, the ACLU brought suit in federal court.

The ACLU of **Virginia** (2007) filed a complaint under the Religious Land Use and Institutionalized Persons Act challenging a Virginia Department of Corrections policy requiring inmates to be clean-shaven and to keep their hair short. The policy infringed on the beliefs of Muslim and Rastafarian inmates who have religious objections to cutting their hair.

<http://www.acluva.org/newsreleases2007/Jan6.html>

<http://www.acluva.org/newsreleases2006/May19.html>

The ACLU of **New Jersey** (2007) filed a religious discrimination case on behalf of a Muslim student who otherwise had to choose between following his religious beliefs that forbid him from entering buildings with foreign religious symbols and attending his public high school graduation that was scheduled to be held in a church. The ACLU argued that the school's decision unlawfully forced the student to choose between attending his graduation and violating his religious beliefs. (This case illustrates the same principle as the ACLU of **Idaho** (1980) case cited above that was brought by Christian parents who did not want their high school children to attend graduation held at a Mormon church.)

<http://www.aclu-nj.org/news/schoolviolatesreligiousfre.htm>

The ACLU of **Louisiana** (2007) filed a Religious Land Use and Institutionalized Persons Act claim in federal court after the David Wade Correctional Facility refused to permit a Muslim inmate to receive a religious newspaper.

[http://www.laclu.org/News/2007/LeonardPR\\_050907.html](http://www.laclu.org/News/2007/LeonardPR_050907.html)

The ACLU of **Massachusetts** (2007) represents a Muslim man who lost his job with a communications contractor at the State Police headquarters for unspecified reasons (but presumably because he is Muslim). When the State Police Information Officer responded with highly redacted documents showing the real reason for the termination, the ACLU of Massachusetts filed an administrative appeal.

The ACLU of **Southern California** (2007) filed claims under RLUIPA, the First Amendment, and several state law provisions on behalf of Souhair Khatib, a practicing Muslim woman who was forced to remove her hijab, a religious headscarf, when taken into custody at an Orange County courthouse holding facility. In accordance with her religious beliefs, Mrs. Khatib wears her headscarf whenever she is in public or in the presence of men who are not part of her immediate family, and she does not permit any physical contact with men who are not her immediate relatives.

<http://articles.latimes.com/2007/sep/05/local/me-hijab5>

The ACLU of **Maryland** (2006) urged Howard County school officials to retain a school policy permitting Muslim students excused absences, such as those allowing students to leave for doctors' appointments and religious holidays, for prayer on Fridays.

[http://www.aclu-md.org/aPress/News%202006/060806\\_HCT.html](http://www.aclu-md.org/aPress/News%202006/060806_HCT.html)

The ACLU of **Southern California** (2006) filed suit on behalf of a Vietnamese Buddhist Temple (Quan Am Temple) against the City of Garden Grove and its officials for violating the congregation's First Amendment rights to free religious exercise and the Religious Land Use and Institutionalized Persons Act of 2000. The lawsuit challenges the constitutionality of the City's zoning codes, as well as the City's application of the zoning codes to Quan Am Temple. A federal judge issued a preliminary ruling requiring the City to allow "the Temple, the Abbot, and his congregation [to] peaceably practice their Buddhist faith at the Chapwood Property immediately."

<http://www.aclu-sc.org/News/Releases/2006/102100/>

The ACLU of **Massachusetts** (2006) helped a Rastafarian baggage screener wear his hair in accordance with his religion. The screener had been employed for three years by the Logan Airport for the Transportation Security Administration. The ACLU filed a complaint before the Equal Opportunity Employment Commission defending his religious rights.

The **New York** Civil Liberties Union (2006) filed a federal lawsuit in Manhattan defending the right of people wearing religious head coverings not to have them removed for identity photos. The case was brought with the New York University Law School Civil Rights Clinic against a Coast Guard regulation denying merchant marine licenses to those who would not remove the coverings for photographs.

<http://www.aclu.org/religion/discrim/24780prs20060328.html>

The ACLU of **Virginia** (2006) filed a friend-of-the-court brief supporting an inmate's allegation that the Virginia Department of Corrections violated the Religious Land Use and Institutionalized Persons Act (RLUIPA) by refusing to provide him with meals consistent with his religious beliefs.

<http://www.acluva.org/newsreleases2006/Jun12.html>

The ACLU of **Nebraska** (2006) brought a free exercise claim on behalf of followers of the Church of Scientology who alleged that Nebraska's mandatory testing of newborn infants for metabolic diseases violated their religious liberty by preventing them, as new parents, from exercising their belief that a newborn should be kept quiet and serene during the first days of life.

The **New York** Civil Liberties Union (2005) filed a federal lawsuit to stop the Department of Homeland Security from enforcing a policy of detaining, interrogating, fingerprinting, and photographing American citizens at the border solely because they attended Islamic conferences.

<http://www.nyclu.org/node/1097>

The ACLU of **Washington** (2005) represented The Islamic Education Center of Seattle, a small Muslim nonprofit organization that holds prayer services, education programs, and cultural activities, after the city of Mountlake Terrace denied the Center a conditional land use permit. The City denied the Center permission to operate even though it granted an allowance to a Christian church next door to the Center. With the aid of the ACLU, the Center eventually received its permit from the City.

<http://www.aclu-wa.org/detail.cfm?id=294>

The ACLU of **New Jersey** (2005) settled a lawsuit with the New Jersey Department of Corrections on behalf of Patrick Pantusco, an inmate who was denied religious books and other items while in prison. Although it permitted persons of other religions to obtain materials for their religious practices, it denied Mr. Pantusco's requests because it did not recognize Wicca as a legitimate religion. In the settlement, the state agreed to permit Mr. Pantusco access to all requested items and pay damages.

<http://www.aclu-nj.org/legal/closedcasearchive/pantuscovmoore.htm>

The ACLU of **Northern California** (2005) filed a lawsuit in federal court challenging restrictions on an asylum seeker's right to wear a religious head covering. The plaintiff, Harpal Singh Cheema, a devout Sikh, had been imprisoned since 1997, while awaiting a decision on his asylum application. The Sikh faith requires men to cover their heads at all times, but Yuba County jail authorities would not allow Mr. Cheema to leave his bed with his head covered.

<http://www.aclu.org/immigrants/asylum/11736prs20050518.html>

The ACLU of **Wisconsin** (2005) filed suit on behalf of a Muslim woman who had been required to remove her headscarf in front of male prison guards in order to visit her husband at the Columbia Correctional Institution. Ms. Rhouni offered to be searched by a female guard, but the prison would not accommodate her request and respect her religious belief that her head should not be uncovered in the presence of unrelated males.

The ACLU of **Pennsylvania** (2005) sued on behalf of a devout Muslim firefighter, Curtis DeVeaux, who was suspended for refusing, for religious reasons, to shave his beard as required by city regulations.

<http://www.aclu.org/religion/gen/16268prs20050601.html>

In response to a lawsuit filed by the ACLU of **Colorado** (2005), the Department of Corrections agreed to resume providing kosher meals to Timothy Sheline, an Orthodox Jewish inmate, whose kosher diet was revoked for one year as punishment for allegedly violating a dining hall rule.

<http://www.aclu.org/prison/restrict/21226prs20051013.html>

The ACLU of **Nebraska** (2005) settled a lawsuit against the city of Omaha on behalf of Lubna Hussein, a practicing Muslim woman who wore a headscarf and long sleeves for religious reasons. Hussein was twice denied entry to Deer Ridge pool property to watch her children swim because she refused to wear a swimsuit. The city changed its policy to allow for medical and religious exceptions.

<http://www.aclu.org/religion/discrim/16248prs20050218.html>

<http://www.wowt.com/news/headlines/822012.html>

The ACLU of **Delaware** (2005) filed a federal lawsuit after Muslim children in a public school suffered harassment and discrimination by teachers, administrators, and fellow students. Mrs. Doe and her children sought, among other things, a judgment requiring the defendants to cease their discriminatory activity, to develop policies to foster a peaceful learning environment, and to implement mandatory training programs for staff on issues of religious and cultural diversity.

The ACLU of **Southern California** (2005) represented a Native American inmate who refused, for religious reasons, to cut his hair. Prison officials punished the inmate by revoking his visitation rights and extending his time in prison. The U.S. Court of Appeals for the Ninth Circuit held that the prison ban on long hair violated the prisoner's religious freedom and ordered the prisoner released immediately.

<http://www.aclu.org/religion/frb/16223prs20040526.html>

<http://www.aclu.org/religion/gen/16235prs20040331.html>

The ACLU of **Southern California** (2005) supported Jewish residents of Orange County after a special election was scheduled on the first day of the Jewish holiday Rosh Hashanah. The ACLU called on the county to make accommodations for Jewish residents who wished to vote early in the election.

<http://www.aclu-sc.org/News/Releases/2005/101281/>

The ACLU of **Virginia** (2005) filed suit on behalf of Cynthia Simpson, a Wiccan woman whom county leaders refused to include in a list of religious leaders invited to give invocations at meetings of the Chesterfield County board of Supervisors. The Board's reason for refusing to add her to the list was that "Chesterfield's non-sectarian invocations are traditionally made to a divinity that is consistent with the Judeo-Christian tradition."

<http://www.acluva.org/docket/simpson.html>

The ACLU of **Louisiana** (2005) successfully represented a Rastafarian mother and her fourth grade son before the Lafayette Parish School Board. The Board seized the child's books and suspended him for having dreadlocks. The nine-year-old child was allowed to return to school.

<http://www.laclu.org/News/2005/Dec0705DreadlocksRapides.htm>

The ACLU of **New Jersey** (2004) appeared as a friend of the court to argue that a prosecutor violated the New Jersey Constitution by striking individuals from a jury pool after deciding that they were "demonstrative about their religion." One potential juror was a missionary; the other was wearing Muslim religious garb, including a skull cap. The ACLU-NJ also argued that permitting strikes based on jurors' display of their religion would often amount to discrimination against identifiable religious minorities.

<http://www.aclu-nj.org/legal/closedcasearchive/statevllloydfuller.htm>

(This case is also listed in Part I.)

The ACLU of **Nevada** (2004) brought an action challenging religious discrimination against a Muslim high school student who wore her traditional hijab to school. The student suffered repeated harassment by her peers with school officials' knowledge and, at times, participation.

The ACLU of **Alabama** (2004) represented a Muslim inmate who was charged with creating a security hazard after he started a discussion about reparations for African-Americans during an Islamic service at a prison. The Eleventh Circuit Court of Appeals agreed with the ACLU that a lower court erred in dismissing the inmate's claims.

<http://www.aclualabama.org/News/PressReleases/FreeSpeech/052604.htm>

The ACLU of **Florida** (2003) represented a Muslim homemaker whose driver's license was revoked after she declined on religious grounds to remove her veil for a driver's license photo. Noting that the state allowed others to obtain driver's permits without photographs, the ACLU argued that the photograph requirement imposed a needless burden on the woman's exercise of her religion with no benefit to public safety.

<http://www.aclu.org/religion/gen/16218prs20030527.html>

The ACLU of **Pennsylvania** (2002) supported the members of Congregation Kol Ami in their fight to use a former Catholic convent as a synagogue. The ACLU of Pennsylvania argued that the Abington Township Board of Commissioners' opposition to the proposed use of the convent violated the Religious Land Use and Institutionalized Person Act.

<http://www.aclu.org/religion/discrim/16057prs20020107.html>

The ACLU of **Oklahoma** (2000) filed a federal lawsuit against Union Public School District No. 9 on behalf of 15-year-old Brandi Blackbear, an honor student who was accused by school officials of making a teacher sick by casting a hex. School authorities forbade the student to wear or draw any Wiccan symbols and suspended her for 15 days for allegedly casting spells and 19 days for the content of her personal writings.

<http://www.aclu.org/religion/schools/16295prs20001026.html?ht=>

The ACLU of **Maryland** (2000) called on the Baltimore Police Department to rescind grooming rules prohibiting dreadlocks and to reinstate Rastafarian police officer Antoine Chambers who was suspended for refusing to cut off his dreadlocks in violation of his religious beliefs.

<http://www.aclu.org/religion/discrim/16289prs20000711.html>

The ACLU of **Florida** (1999) filed the first case under Florida's Religious Freedom Restoration Act. The suit sought to prevent the removal and destruction of religious symbols, including crosses, stars of David, and other religious symbols placed on the gravesites of the plaintiffs' family members.

<http://www.aclu.org/temp/pr1999/13603prs19990322.html>

(This case is also listed in Part I.)

The ACLU of **Michigan** (1999) obtained a favorable settlement on behalf of Crystal Seifferly with Lincoln Park High School. As part of the settlement, the school changed its policy prohibiting the wearing of pentacles, a symbol of the Wicca religion of which Seifferly is an adherent, and deleted the policy's provision that stated that pagans and witches are inappropriate in a school setting.

<http://www.aclu.org/temp/pr1999/13596prs19990325.html?ht=>

The ACLU of **New Jersey** (1999), the Becket Fund for Religious Liberty, and the Anti-Defamation League won a lawsuit on behalf of Muslim police officers who were barred by department grooming standards from maintaining their beards, as required by their religious beliefs. The officers, Faruq Abdul-Aziz and Shakoor Mustafa, are devout Sunni Muslims.

<http://www.aclu-nj.org/issues/policepractices/theacludefendscops.htm>

The ACLU of **Southern California** (1996), together with the Native American Heritage Commission, filed a First Amendment challenge to a state university's plan to erect a mini-mall and parking lot on the sacred site of the birthplace of a Native American god. The California Court of Appeal held that the university could not pursue its development plan without taking mitigation measures, or, if none could be taken, showing that the public interest nonetheless requires development.

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