



*(Mary Anne Sause. Photo credit: Kat Fitzke Photography, courtesy of First Liberty Institute.  
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## **POLICE CLAIM FIRST AMENDMENT ONLY PROTECTS THE RIGHT TO CHOOSE A RELIGION, NOT THE RIGHT TO PRAY AT HOME**

*Ms. Mary Anne Sause claims police violated her First Amendment rights by ordering her to stop praying in her own home.*

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**Denver, CO.** – Yesterday evening, two of the country’s top law firms, First Liberty Institute and Gibson Dunn & Crutcher LLP, filed a reply brief in the United States Court of Appeals for the Tenth Circuit on behalf of Ms. Mary Anne Sause, a Catholic former nurse, who was told by police officers for the City of Louisburg, Kansas that she could not pray in her own home. [Read the reply brief](#)

In the brief, the attorneys challenge the government’s argument that the First Amendment only “protects one’s ability to choose his or her religion.” According to the City of Louisburg, “the act of stopping [Ms. Sause’s] prayer did not burden her free exercise of religion” because only conduct that forces her to change her religious practices or causes her to stop praying altogether would violate the Constitution.

In the reply brief, First Liberty Institute and Gibson Dunn contend that the Free Exercise clause’s protection extends beyond the right to choose one’s own religion and includes the right to pray in the privacy of one’s own home, which is a fundamental right clearly protected by the First Amendment. The attorneys argue that commanding Ms. Sause to stop praying

without a legitimate law-enforcement justification burdens her ability to freely exercise her religion in her own home.

“Prayer is essential to Ms. Sause’s faith and everyday life,” Stephanie Taub, Associate Counsel for First Liberty Institute, says. “The government’s argument that the First Amendment only allows an individual to choose a religion, but not to fully exercise that faith, is a blatant misstatement of the law.”

According to the Complaint, Ms. Sause was home late at night when the police demanded to be let in to her apartment. She alleges that they harassed her, saying that the Constitution is “just a piece of paper” that “doesn’t work here” and telling her to prepare to go to jail. Terrified, Ms. Sause asked one of the officers if she could pray. After being told she could, she knelt in silent prayer, only to have another officer enter the room and order her to stop praying. Only at the end of the encounter did they tell her that they were there because of a minor noise complaint that her radio was too loud.

“The Free Exercise Clause protects the right to do exactly that – freely exercise one’s faith,” Bradley G. Hubbard, Litigation Associate at Gibson Dunn, says. “It is well established that the First Amendment protects the right to pray in one’s own home. We urge the Court of Appeals for the Tenth Circuit to reverse the district court’s decision and enable Ms. Sause to have a meaningful day in court as she fights to vindicate her religious liberty rights.”

Read more about the case and view photos at [FirstLiberty.org/Sause](https://FirstLiberty.org/Sause)

### **About First Liberty Institute**

[First Liberty Institute](https://FirstLiberty.org) is the largest legal organization in the nation dedicated exclusively to defending religious freedom for all Americans.

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