



## PRESS RELEASE

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### COURT EXPRESSES CONCERNS ABOUT FIRST AMENDMENT VIOLATIONS BEFORE DISMISSING APPEAL

*Tenth Circuit cites qualified immunity shielding the officers from liability in affirming district court's decision.*

**Denver**—On Tuesday, June 20, a three-judge panel of the United States Court of Appeals for the Tenth Circuit issued its opinion in *Sause v. Bauer*, in which First Liberty Institute and Gibson, Dunn & Crutcher, LLP represent Mary Anne Sause. Police ordered Sause, a devout Catholic, to stop praying in her own home while investigating a noise complaint.

Writing for the majority Judge Moritz stated, “We assume that the defendants violated Sause’s rights under the First Amendment when, according to Sause, they repeatedly mocked her, ordered her to stop praying so they could harass her, threatened her with arrest and public humiliation, insisted that she show them the scars from her double mastectomy, and then ‘appeared...disgusted’ when she complied – all over a mere noise complaint.”

Read the opinion by clicking [here](#).

“Although the decision to uphold the lower court’s dismissal is disappointing, the harsh criticism of the officers’ conduct in this case supports our First Amendment claim,” Jeremy Dys, Deputy General Counsel for First Liberty Institute reiterated, “No one should face the prospect of being arrested for praying in their own home.”

In defending the police officers’ actions, the government argued that the First Amendment’s Free Exercise Clause only “protects an individual’s right to choose a religion.” First Liberty attorneys representing Sause argued that this misconstrued the Free Exercise Clause, which protects not only the right to choose a religion, but also the right to freely exercise one’s faith.

While Ms. Sause’s appeal was ultimately unsuccessful, the court stated clearly that Sause’s First Amendment rights may have been violated, but the legal doctrine of qualified immunity shields the officers from any liability. The concurring opinion condemned the police officers’ “extraordinary contempt of a law abiding citizen.”

Read more and view legal documents and photos at [FirstLiberty.org/Sause](http://FirstLiberty.org/Sause).

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### **About First Liberty Institute**

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

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