

FIRST  LIBERTY

# UNDENIABLE



## **The Survey of Hostility to Religion in America**

**Kelly Shackelford**

Executive Editor

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2017 CHURCHES & MINISTRIES EDITION

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## The Survey of Hostility to Religion in America

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### 2017 Churches & Ministries Edition

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The Survey of Hostility  
to Religion in America

2017 Churches & Ministries Edition

Kelly Shackelford, executive editor

Justin Butterfield, editor-in-chief

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# WHAT IS FIRST LIBERTY INSTITUTE?

First Liberty Institute is the largest legal organization in the nation dedicated exclusively to defending religious liberty for all Americans.

A non-profit law firm, First Liberty handles hundreds of legal matters each year at no cost to its clients and educates Americans regarding the first liberty in the Bill of Rights: religious liberty.

## PRAISE FOR FIRST LIBERTY INSTITUTE

"When it comes to winning big cases for the religious liberty of Americans, First Liberty Institute shines. I have had the privilege of working as part of their team on just such cases. First Liberty Institute's intelligence, quality, and strategy give people of faith the best representation. They care about results, not taking credit, and the result is victories."

Paul Clement, former Solicitor General of the United States ,  
attorney with over 85 U.S. Supreme Court appearances

"[First Liberty] has litigated all across the country defending religious liberty. . . . In every one of those fights, my friend Kelly Shackelford has been front and center."

Ted Cruz, U.S. Senator

"[First Liberty is] the best. Students, churches, and people of faith depend on them to stop those who would silence faith."

Rick Perry, U.S. Secretary of Energy, former Governor of Texas

"I have enormous respect for the quality of First Liberty's critical work and the results they've achieved."

Allyson Ho, former White House Special Assistant and  
U.S. Supreme Court clerk, appellate attorney with multiple  
Supreme Court appearances

## Undeniable: The Survey of Hostility to Religion in America

"First Liberty Institute and Kelly Shackelford are at the forefront of the intensifying battle to preserve our religious freedom. I've known of their work for years, and today it's more important than ever."

Mike Huckabee, former Governor of Arkansas

"First Liberty Institute's one-of-a-kind legal strategy is indispensable to the survival of religious freedom in America."

Tony Perkins, President, Family Research Council

"When it comes to defending religious liberty in America, especially for our military and veterans, First Liberty Institute is the tip of the spear. I know of no organization I'd rather have by my side. They are the best."

Lt. Gen. (Retired) William G. "Jerry" Boykin, Executive Vice President, Family Research Council

"Because First Liberty does what it does, ministers like me can do what we do."

Dr. Charles Stanley, In Touch Ministries

"First Liberty Institute is strategic. Their work liberates people of faith."

Lt. Gen. (Retired) Mike Gould, USAF

"First Liberty is the critical place to invest in the future of religious freedom."

Norm Miller, Chairman, Interstate Batteries

"The American Legion and First Liberty Institute both unapologetically stand 'for God and Country,' a stance that will never waver. We appreciate the outstanding work First Liberty Institute has done in protecting our nation's veterans memorials."

Michael D. Helm, National Commander, The American Legion

# TABLE OF CONTENTS

1	The Time for Denial is Past
5	Executive Summary
9	Attacks Against Churches and Ministries
83	Managing Editorial Team
85	Resources from First Liberty Institute

## Undeniable: The Survey of Hostility to Religion in America

# THE TIME FOR DENIAL IS PAST

To deny that religious freedom is in crisis in America is to deny the obvious. And yet there are deniers. Ironically, they include those who launch the very attacks that have caused the crisis itself. The American people, however, deserve the truth.

For that reason, every year a team of legal researchers at First Liberty Institute—led by a Harvard-trained constitutional attorney—investigates and documents the rise in the number and severity of domestic attacks on religion. The findings are published in book form in *Undeniable: The Survey of Hostility to Religion in America*. In the latest full edition, the total number of documented incidents in this report increased by over 15 percent over the past year and now includes more than 1,400 religious liberty incidents.

## Attacks on Religious Liberty



133% increase in 5 years

These figures include an increase in attacks in a key subsector of American life: Churches, other houses of worship, and ministries. This “Churches & Ministries Edition” constitutes that subsection of the larger version of *Undeniable* (the full edition of *Undeniable* also includes findings from other sectors of American society).

After years of providing this research—widely cited in the media—we are now seeing confirmation from a growing number of sources and directions.

International Christian Concern (ICC), a respected global watchdog that monitors persecution, listed the United States for the first time in its annual “Hall of Shame” report in January 2017, noting America’s alarming rise in hostility toward Christians. Their report stated, “While there is no comparison between the life of a Christian in the U.S. with persecuted believers overseas, ICC sees these worrying trends as an alarming indication of a decline in religious liberty in the United States.”<sup>1</sup>

<sup>1</sup> International Christian Concern, “2016 Hall of Shame Report” (Jan. 2017).





The ICC report dovetails with findings published by noted sociologist Dr. George Yancey. He and his team did extensive and careful research into the roots of American hostility to religion. He found what he called widespread “irrational” animus toward traditional Christian beliefs among those with higher educational degrees and privileged positions in society.

In fact, Dr. Yancey found that those with the highest degree of animosity toward traditional religion were those with the most money, education, and power to turn that irrational animus into action in the legal arena.<sup>2</sup>

The significance of Dr. Yancey’s findings go beyond their implications for any one religion. They speak to the threat to religious liberty for all religions. Hostility that threatens to become unlawful suppression of any religion is a threat to all religions and our American ideal of a free marketplace of various faiths and ideologies.

Other confirmation comes directly from those promoting a negative view of religious activity and announcing their desire to suppress it.

In September 2016, the U.S. Commission on Civil Rights sent a report entitled *Peaceful Coexistence: Reconciling Nondiscrimination Principles with Civil Liberties* to President Obama and Congress declaring that “the phrases ‘religious liberty’ and ‘religious freedom’” are nothing but “code words for discrimination, intolerance, racism, sexism, homophobia, Islamophobia, Christian supremacy, or any form of intolerance.” The report also denounced routine religious exemptions as infringing upon civil rights. In other words, people of faith should be forced to do what their faith says they cannot.<sup>3</sup>

Also in 2016, a noted Harvard law professor wrote that the “culture wars” were over, that people with certain religious beliefs had lost, and that they should be treated with no leniency, noting that “taking a hard line seemed to work reasonably well in Germany and Japan after 1945.”<sup>4</sup>

But the rise in hostility comes as no surprise to attorneys who specialize in this field, such as the legal team at First Liberty Institute (the largest legal organization in the nation dedicated exclusively to defending religious freedom for all Americans). Each year we see hundreds of cases.

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2 George Yancey & David A Williamson, *So Many Christians, So Few Lions* (2015).

3 U.S. Comm’n on Civil Rights, *Peaceful Coexistence: Reconciling Nondiscrimination Principles with Civil Liberties*, available at <http://www.usccr.gov/pubs/Peaceful-Coexistence-09-07-16.PDF> (Sept. 7, 2016).

4 Mark Tushnet, “Abandoning Defensive Crouch Liberal Constitutionalism,” *Balkinization*, <https://balkin.blogspot.com/2016/05/abandoning-defensive-crouch-liberal.html> (May 6, 2016).

## The Time for Denial is Past

You can read about the cases pertaining to houses of worship and ministries in the pages of *Undeniable: 2017 Churches & Ministries Edition*. And you can take heart that the vast majority of the hostility to religion you will read about is unlawful. It succeeds only because of its own bluff and the passivity of its victims. Hostility to religion can be defeated in the culture and the legal system—but only if challenged by Americans like you. The time for denying the crisis, however, is long past.

Kelly Shackelford  
President, CEO, and Chief Counsel  
First Liberty Institute





# EXECUTIVE SUMMARY

*An age is called Dark not because the light fails to shine, but because people refuse to see it.*

*James A. Michener, Space*

## **Abstract**

Hostility to religion in America continues to grow at an alarming rate.

- In the **Public Arena** of public places, the government, and the workplace, religious individuals and groups are facing increasing demands to hide their faith or to sacrifice their beliefs in order to keep their jobs and their livelihoods.
- In the **Schoolhouse**, from kindergarten through graduate school, students and teachers face professional, personal, and academic threats for living out their faith and refusing to compromise their beliefs.
- In **Churches and Ministries**—an area in which one might expect hostility to be the least—religious leaders are censored, houses of worship are shuttered, and ministries have been told they must violate their religious beliefs or face crippling fines.
- In the **Military**, chaplains face courts-martial for providing religious counseling according to their religious beliefs, service members are told that they cannot express their faith, and veterans endure the defacement or demolition of their memorials because of religious imagery.

More than 1,400 cases are documented in the full 2017 edition of *Undeniable*, yet this is not an exhaustive accounting. Though this edition includes prior years' cases, the 16.7% increase demonstrates a growing expansion of hostility toward religious expression and conduct. Quantitatively and qualitatively, the hostility is undeniable. And it is dangerous.

The title of this survey, *Undeniable: The Survey of Hostility to Religion in America*, exemplifies its purpose: to bring to light the increasing acts of hostility to religion in such a way that even the most uninformed and skeptical person cannot deny that we in America are facing an unprecedented assault on our First Freedom. With each edition, *Undeniable* unfortunately continues to grow.

**Here is a summary of the documentation of hostility to religion that you will find in the Churches & Ministries section of the larger survey:**

Only six years ago, the idea that the federal government would argue before the Supreme Court that it could regulate churches to the extent of determining who a church may choose as its pastor was unthinkable. Yet the government made that very argument—in effect arguing that the religious liberty clauses of the First Amendment are meaningless—in the 2012 Supreme Court case *Hosanna-Tabor Evangelical Lutheran Church & School v. EEOC*. With this case, the government for the first time argued that it may regulate churches and determine qualifications for pastors. In addition, the past ten years have also seen an explosion in cases involving local governments discriminating against churches, particularly through the use of zoning laws and by refusing to grant permits.

The following cases illustrate this new front in the secularists' war on religious liberty:

- *Hosanna-Tabor Evangelical Lutheran Church & Sch. v. EEOC*

A private Christian school fired Cheryl Perich, a minister and a teacher at Hosanna-Tabor Lutheran School, for threatening to sue the school after she was asked not to return because she had narcolepsy. Perich sued under the Americans with Disabilities Act. In response, the school argued its right to hire or fire Perich based on the “ministerial exception,” which legally protects the rights of churches to select its religious leaders without government interference. The Justice Department argued that the ministerial exception does not exist and that the government may regulate churches' selection of pastors. The U.S. Supreme Court unanimously upheld the ministerial exception and specified that government regulation of the hiring and firing of ministry leaders would violate both the Free Exercise Clause and the Establishment Clause.

- *Opulent Life Church v. City of Holly Springs, Mississippi*

Opulent Life Church in Holly Springs, Mississippi, wanted to move into a larger facility because it had nearly outgrown its present meeting place. Once the church found a new property, however, it also discovered that the city would not grant a permit for the church to move into the new property without getting permission from sixty

## Executive Summary

percent of all property owners within a one-quarter mile radius of the proposed site—a requirement that applied only to churches and to no other type of facility or business. Opulent Life Church sued the City of Holly Springs for violating the U.S. Constitution and the Religious Land Use and Institutionalized Persons Act, a federal law which prohibits zoning ordinances from discriminating against churches. After the Fifth Circuit ruled in favor of the church, the case settled, and Opulent Life Church was free to move into its new property.

- *Schneider v. Gothelf; Highlands of McKamy IV and V Community Improvement Association v. Gothelf; City of Dallas v. Gothelf*

The members of Congregation Toras Chaim, a small Orthodox Jewish congregation in North Dallas, met at a home in their neighborhood that was the only site available to the congregation within walking distance of each member—an important consideration because the members cannot drive on the Sabbath. David Schneider, a neighbor who lived near the home in which the congregation met, filed a lawsuit against Congregation Toras Chaim claiming that the congregation's use of the home for religious worship violated the restrictive covenants of the homeowners' association (HOA). Schneider then became president of the HOA and brought the HOA into the lawsuit as an additional plaintiff against the small congregation. First Liberty Institute successfully defended Congregation Toras Chaim, winning a victory under both federal and state religious protection laws. Now, however, the City of Dallas has filed another lawsuit against Congregation Toras Chaim, attempting to require the congregation to spend considerable resources acquiring additional parking and renovations that are unreasonable for the small size of the congregation. First Liberty Institute continues to represent Congregation Toras Chaim against the city.

- *United Poultry Concerns v. Chabad of Irvine et al.*

On September 29, 2016, the United Poultry Concerns, a poultry-rights activist organization, sued an Orthodox Jewish synagogue in Irvine, California, and its rabbi for practicing Kapparot—a religious ceremony in which the atonement of sins is contemplated through prayer and the kosher killing of a chicken—just before Yom Kippur begins. After a federal district court issued a temporary restraining order stopping the religious practice, First Liberty Institute got involved and the restraining order was lifted, permitting the members of the Chabad of Irvine to continue their religious practice. The court battle continues, however.

- *HEB Ministries, Inc. v. Texas Higher Educ. Coordinating Bd.*

Texas passed a law forcing all seminaries to get state approval of their curriculum, board members, and professors. The state fined Tyndale Seminary \$173,000 for using the word “seminary” and issuing theological degrees without government approval. The ministry filed a suit to prohibit the government’s attempts to control religious training. Both the district court and the court of appeals upheld the law. Finally, after nine years of suffering and losses, the Texas Supreme Court reversed and held that the law violated the First Amendment and the Texas Constitution.

### ***There Is Hope, If . . .***

While this 2017 edition of *Undeniable: The Survey of Hostility to Religion in America* shows that attacks on religious liberty continued to increase in the United States throughout 2016, both in the frequency and in the severity of the attacks, this survey also shows that those persons and organizations who stand up for religious liberty win when they fight. In addition, many people argue that concerns about religious freedom and the future of the Supreme Court were also responsible for the dramatic outcome of the presidential election in 2016. As more and more Americans become aware of the growing attacks on religious liberty and learn about what their rights are, they can stand and turn back the tides of secularism and hostility that have so eroded religious liberty—America’s First Freedom.



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# ATTACKS AGAINST CHURCHES AND MINISTRIES

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### **Religious Nonprofit Ministries Forced to Provide Insurance Coverage for Abortion-Inducing Drugs**

*Zubik v. Burwell*, 136 S. Ct. 1557 (2016)

Many nonprofit religious ministries sued the federal government to stop Obamacare's "HHS Mandate," which requires any organization that provides group health insurance to also provide insurance for abortion-inducing drugs such as Plan B (the "day-after pill") and Ella (the "week-after pill"). While the U.S. Supreme Court had already held that the government could not force religious for-profit companies such as Hobby Lobby to provide insurance coverage for such abortion-inducing drugs, religious nonprofit organizations were not covered by the *Hobby Lobby* decision because the HHS Mandate provided a so-called "accommodation" for religious ministries. This "accommodation" still required the ministries to ensure that the insurance coverage for abortion-inducing drugs was provided but did not require the coverage to appear as a line item on the organization's policy. Many religious organizations found this "accommodation" to be unacceptable. The U.S. Supreme Court ordered the religious organizations and the government to work out a resolution.

### **Supreme Court Upholds Right of Religious Organizations to Select Their Own Spiritual Leaders**

*Hosanna-Tabor Evangelical Lutheran Church & School v. EEOC*, 132 S. Ct. 694 (2012)

Cheryl Perich, a teacher at Hosanna-Tabor Lutheran School, was fired for threatening to sue the school after she was asked not to return because she had narcolepsy. Perich sued under the Americans with Disabilities Act. The school argued its right to hire or fire Perich based on the "ministerial exception," which legally protects the rights of churches and ministries to select their religious leaders without government interference. During oral argument at the Supreme Court, the government argued that there is no ministerial exception, allowing the government to regulate who a church may hire or fire as its religious leaders. The Supreme Court upheld the ministerial exception and specified that government regulation of the hiring and firing of ministers would violate both the Free Exercise Clause and the Establishment Clause.

### **Freedom From Religion Foundation Sues to Restrict Federal Funds from Faith-Based Charities**

*Hein v. Freedom From Religion Foundation*, 551 U.S. 587 (2007)

The Freedom From Religion Foundation filed a lawsuit against the White House claiming the Establishment Clause bars faith-based charities from

receiving government funding. In a 5–4 decision, the U.S. Supreme Court ruled that an atheist organization lacked taxpayer standing to challenge a White House conference that informed both faith-based and secular organizations about federal funding for programs that help the poor.

### **City Council Holds Emergency Meetings to Keep Out Unwanted Church**

*Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520 (1993)  
The Church of the Lukumi Babalu Aye sought to set up a church in Florida. The church practices Santeria, a religion that incorporates animal sacrifice into its religious practices. Upon hearing of the church's plan to develop a church in the city, the city council held an emergency meeting and passed ordinances to prevent the church from practicing the animal sacrifice, an essential part of the church's free exercise. A lawsuit had to be filed to protect the church's right to free exercise.

### **San Buenaventura, California, Attempts to Stop Church from Helping the Poor**

*Harbor Missionary Church Corp. v. City of San Buenaventura*, No. 14-56137 (9th Cir. 2016)

Harbor Missionary Church provided food, services, counseling, prayer, and religious instruction to the homeless. Following some complaints about trespassing, loitering, and public nudity near the church, the church hired a security guard and took steps to ensure that the services to the homeless it provided did not harm the community. While the city's staff members recommended permitting the church to continue helping the homeless with a few additional protections, the city's planning commission blocked the church's continued ministry to the homeless. A federal district court upheld the ban, finding that the city had a compelling interest in the safety of its community and that the least restrictive means to promote that interest was to shut down the homeless ministry. The U.S. Court of Appeals for the Ninth Circuit, however, disagreed. The Ninth Circuit held that stopping the program was not the least restrictive means of promoting safety and that the district court should have considered the additional protections suggested by the city's staff. The lawsuit eventually settled, and the church continues to assist the homeless.

### **Department of Natural Resources Denies Assistance to Religious Preschool**

*Trinity Lutheran Church of Columbia, Inc. v. Pauley*, 788 F.3d 779 (8th Cir. 2015)  
Trinity Lutheran Church is a Missouri church that operates a day care and preschool facility called the Learning Center. To improve the Learning Center's

playground, Trinity Lutheran Church applied for the Scrap Tire Program, a program run by the Department of Natural Resources Solid Waste Management Program that awards competitive grants to qualifying organizations in order to purchase recycled materials to improve playgrounds. Trinity was initially selected as a grant recipient, but the grant was revoked when the Department of Natural Resources determined that funding Trinity contravened its policy against subsidizing religious organizations. Trinity sued the department head for the discriminatory policy, but a Missouri federal district judge upheld the policy, and the U.S. Court of Appeals for the Eighth Circuit affirmed. The U.S. Supreme Court has agreed to review the case.

### **FFRF Sues to Stop Parsonage Exemption**

*Freedom from Religion Found., Inc. v. Lew*, 773 F.3d 815 (7th Cir. 2014)

Arguing unconstitutional discrimination, the Freedom From Religion Foundation sued to stop tax exemptions for a minister's parsonage allowance. A federal district court ruled in favor of the FFRF, but the U.S. Court of Appeals for the Seventh Circuit dismissed the case.

### **New York City Attempts to Sow Confusion About Pregnancy Resource Centers**

*Evergreen Association, Inc. v. City of New York*, 740 F.3d 233 (2d Cir. 2014)

New York City enacted a law that would compel "pregnancy service centers" to post signs about services they do not provide, distracting from the messages those organizations want to communicate. A federal district court found that the definition of "pregnancy service centers" was overly vague and that the ordinance was subject to strict scrutiny and not narrowly tailored. The U.S. Court of Appeals for the Second Circuit affirmed most of the district court's ruling but held that the government could likely require signage stating whether a center has medical staff.

### **Township Burdens Small Church That Wants to Open Seminary**

*First Korean Church of New York, Inc. v. Cheltenham Tp. Zoning Hearing Bd.*, No. 12-1917, 2013 WL 362819 (3d Cir. 2013)

In 1996, First Korean Church in Cheltenham Township, Pennsylvania, purchased property to use as a church and seminary. While the township allowed educational and religious uses in the property owned by the church, the township refused to allow the seminary because the church had not sought authorization from the state to operate the seminary. In 2003, Cheltenham Township enacted an ordinance that required churches to apply for a variance. When First Korean Church sought the variance, the township

denied the application. The township also burdened the small church with high taxes. First Korean Church brought a lawsuit in an attempt to obtain relief but was denied relief by a Federal District Court in Pennsylvania and by the U.S. Court of Appeals for the Third Circuit. The U.S. Supreme Court has also denied review.

### **Baltimore Requires Pregnancy Resource Centers to Post Misleading Information**

*Greater Baltimore Ctr. for Pregnancy Concerns, Inc. v. Mayor & City Council of Baltimore*, Nos. 11-1111 and 11-1185, 2013 U.S. App. LEXIS 13607 (4th Cir. 2013) (en banc)

Baltimore's city council passed an ordinance that compelled limited-service pregnancy centers, such as those maintained by religious organizations, to post signs stating that they do not provide or make referrals for abortion or birth control services. Claiming the church's free speech, free exercise of religion, and equal protection rights were violated, the Roman Catholic Congregation, Inc., and the Greater Baltimore Center for Pregnancy Concerns, Inc., sued the city. The district court held that the ordinance violated the centers' free speech rights, but the Fourth Circuit Court of Appeals, en banc, said that the district court erred in its handling of the case and ordered the district court to reconsider the case.

### **Bible Camp Forced to Sue for Right to Build**

*Eagle Cove Camp & Conference Ctr., Inc. v. Town of Woodboro, Wis.*, 734 F.3d 673 (7th Cir. 2013)

Eagle Cove Camp and Conference Center sought to construct a Bible camp on land that they owned in Woodboro, Wisconsin. When Eagle Cove applied for permission to build the camp, the city continually denied their requests, alleging that the camp could not conform to local zoning requirements. Finally, Eagle Cove brought a lawsuit, but both the district court and the court of appeals found for the city.

### **Florida Town Attempts to Block Expansion of Synagogue by Declaring It a Historical Landmark**

*Temple B'Nai Zion, Inc. v. City of Sunny Isles Beach, Fla.*, 727 F.3d 1349 (11th Cir. 2013)

Reformed Jewish synagogue Temple B'Nai Zion in Sunny Isles, Florida, had plans to expand their facilities due to their growing congregation. Instead, the Sunny Isles City Commission voted to classify Temple B'Nai Zion's land

as historic and blocked the planned expansion. Temple B’Nai Zion filed a lawsuit challenging the city’s blocking of the expansion. The lawsuit is ongoing.

**County in Maryland Repeatedly Attempts to Stop Church Construction**

*Reaching Hearts Int’l, Inc. v. Prince George’s County*, 478 Fed. Appx. 54 (4th Cir. 2012)

The county of Prince George, Maryland, denied Reaching Hearts International Church clearance to build a new church. The suit, which began in 2008 against the county for opposing the construction of a new building, continued on as the county denied the district court’s order to provide water and sewage lines to the property. The district court also affirmed a jury award of \$3.7 million in damages for the church. The church filed another suit against the county in July of 2011 seeking to enforce the order to supply water and sewage lines and claiming that the resistance is due to a personal vendetta of one of the county councilmen. The Fourth Circuit affirmed the district court’s decision in favor of the church.

**Mississippi Town Tries to Stop Church from Moving into Abandoned Downtown Property**

*Opulent Life Church v. City of Holly Springs, MS*, No. 12-60052 (5th Cir. 2012)

The Opulent Life Church in Holly Springs, Mississippi, wanted to move into a larger facility as it had nearly outgrown its present meeting place. Once the church found a new property, however, it also discovered that the city would not grant a permit for the church to move into the new property without getting permission of sixty percent of all property owners within a one-quarter mile radius of the proposed site—a requirement that applied only to churches and to no other type of facility or business. Liberty Institute filed a lawsuit against the City of Holly Springs on behalf of the Opulent Life Church for violating the Constitution and the Religious Land Use and Institutionalized Persons Act, which prohibits zoning ordinances from discriminating against churches. The case settled, and Opulent Life Church is now free to move into its new property.

**Lawsuit Stops City from Giving Land to Religious School in Exchange for Use of Athletic Facilities**

*Wirtz v. City of South Bend*, 669 F.3d 860 (7th Cir. 2012)

South Bend, Indiana, transferred some land to St. Joseph’s Catholic School in exchange for having use of the school’s athletic facilities. Taxpayers sued to stop the transfer, claiming that granting land to a religious school for occasional use of the school’s athletic facilities violated the Establishment

Clause. A federal district court granted an injunction to stop the transfer. South Bend eventually requested and was granted a modification to the injunction to allow it to sell the property, which it did to the school. The city then appealed the initial injunction, but the appeal was dismissed as moot and untimely.

### **Seven-Sky Challenges Obamacare for Forcing Purchase of Insurance**

*Seven-Sky v. Holder*, 661 F.3d 1 (D.C. Cir. 2011)

Seven-Sky challenged the Patient Protection and Affordable Care Act (Obamacare) claiming it exceeded Congressional Commerce Clause authority and violated the Religious Freedom Restoration Act because the mandate to purchase insurance was a mandate to violate Seven-Sky's religious belief that purchasing insurance expresses skepticism in God's ability to provide. The courts held the act does not exceed Commerce Clause authority and that it does not violate the Religious Freedom Restoration Act.

### **Texas Town Bans Church from Commercial Property**

*The Elijah Group, Inc. v. The City of Leon Valley, Texas*, 643 F.3d 419 (5th Cir. 2011)

Leon Valley, Texas, prohibited a church from meeting on property that was zoned for businesses. The Fifth Circuit held that this violated the Religious Land Use and Institutionalized Persons Act's (RLUIPA) requirement that churches be treated on "equal terms" with other organizations. The church was then allowed to meet on the property, and the city agreed to pay \$250,000 in legal fees to the church.

### **FFRF Sues to Stop Tax Exemption for Ministers' Housing**

*Freedom From Religion Foundation, Inc. v. Geithner*, 644 F.3d 836 (9th Cir. 2011)

Plaintiffs challenged the parsonage exemption, which provides a tax exemption for "ministers of the gospel." Ministers are able to receive allowances, which are not considered taxable income under the statute. Suit was filed under California law and federal law. The state defendants were granted their Motion to Dismiss, but the federal defendants were not.

### **San Diego County Attempts to Stop Church from Using Recreational Building for Church Service**

*Guatay Christian Fellowship v. County of San Diego*, 670 F.3d 957 (9th Cir. 2011)

<http://www.pacificjustice.org/press-releases/county-drops-bid-toturn-church-into-bar>

The Guatay Christian Fellowship used a recreational building in a trailer park as a space for church services for twenty-two years before the County of San Diego attempted to stop the use because the church did not have a permit

to use the building as a recreational facility. The Ninth Circuit dismissed the church's RLUIPA and constitutional claims against the county on the grounds that they were not ripe because the church still had not applied for a permit. The county eventually granted a permit to the church to allow continued operations.

### **Lawsuit Attempts to Stop Rescue Mission from Requiring Religious Participation**

*Intermountain Fair Housing Council v. Boise Rescue Mission Ministries*, 657 F.3d 988 (9th Cir. 2011)

The Intermountain Fair Housing Council and two individuals filed suit against Boise Rescue Mission Ministries alleging that the mission was in violation of the Fair Housing Act and that it engaged in religious discrimination by holding chapel services and requiring guests in the discipleship program to participate in religious programs. The district court ruled in favor of the mission, a homeless shelter that receives no government funding and provides free and voluntary services. The Ninth Circuit affirmed.

### **City of Yuma Attempts to Block Church from Meeting in Former Department Store**

*Centro Familiar Cristiano Buenas Nuevas Christian Church v. City of Yuma*, 651 F.3d 1163 (9th Cir. 2011)

A church in Yuma, Arizona, purchased an old department store to use as a new church building. Yuma required that religious organizations receive a permit to use a building for religious purposes. The city denied the permit, claiming that it wanted to convert the part of the city where the department store was located into an entertainment district, and no bars, nightclubs, or liquor stores could be within 300 feet of a church. The Ninth Circuit held that under the Religious Land Use and Institutionalized Persons Act (RLUIPA), the city could not single out a church for discrimination in zoning restrictions.

### **City Attempts to Keep Church from Meeting in Industrial Use Area**

*International Church of Foursquare Gospel v. City of San Leandro, California*, 673 F.3d 1059 (9th Cir. 2011)

San Leandro, California, denied a rezoning application and a conditional use permit to a church, and the church sued claiming violations of the Religious Land Use and Institutionalized Persons Act (RLUIPA), the First Amendment, and the Fourth Amendment. The district court granted summary judgment to the city. The Ninth Circuit reversed the lower court, however, holding that the lower court erred when it held as a matter of law that a city does

not impose a substantial burden in violation of RLUIPA when its use permit process is neutral and of general applicability. The Ninth Circuit also held that the city did not prove that its interest in preserving an area for industrial use was compelling, and a fact issue remained whether the city used the least restrictive means to achieve its interests.

### **Lawsuit Attempts to Stop County from Providing Loans to Church for Low-Income Housing**

*Glassman v. Arlington County, Virginia*, 628 F.3d 140 (4th Cir. 2010)

In 2004, First Baptist Church of Clarendon in Arlington County, Virginia, proposed a plan to build a ten-story tall building on church property with the bottom two floors being used as the church and the upper eight floors being used for apartments, including some low-rate and moderate-rate apartments. Arlington County approved these plans and provided loans to finance the construction of the apartments. Glassman sued the county claiming that this involvement violated the Establishment Clause. A federal district court and the Fourth Circuit Court of Appeals both held that the county's involvement did not advance the First Baptist Church of Clarendon's faith, thus there was no violation of the Establishment Clause.

### **San Francisco Issues Anti-Catholic Resolution**

*Catholic League for Religious and Civil Rights v. San Francisco*, 624 F. 3d 1043 (9th Cir. 2010) (en banc)

Cardinal William Levada told Catholic adoption agencies to stop placing children with homosexual couples. The City of San Francisco issued an anti-Catholic resolution, calling Cardinal Levada's statement "hateful" and "discriminatory" and calling on him to rescind his request. The Catholic League and two individual Catholics sued San Francisco for violating the Establishment Clause. An eleven-judge panel of the Ninth Circuit Court of Appeals ruled in favor of the city, concurring with the decision by the district court to dismiss the case.

### **Church Sues for Right to Expand Building**

*Rocky Mountain Christian Church v. Board of County Commissioners of Boulder County, Colorado*, 613 F.3d 1229 (10th Cir. 2010)

When Rocky Mountain Christian Church and School applied for a permit in 2004 to expand its building, Boulder County rejected its application. Evidence at trial showed that the county applied zoning ordinances non-neutrally. The church sued and won at the federal district court, which held that the county



had violated the Religious Land Use and Institutionalized Persons Act. The Tenth Circuit Court of Appeals affirmed.

### **Lawsuit Challenges Unconstitutional Pittsburgh Law Regulation Protesting of Abortions**

*Brown v. City of Pittsburgh*, 586 F.3d 263 (3d Cir. 2009)

The United States Court of Appeals for the Third Circuit found that a Pittsburgh law requiring protesters to remain 15 feet from hospital entrances and 8 feet from hospital patrons while within 100 feet of a hospital is unconstitutionally overbroad and vague. The law was passed in an effort to keep pro-life demonstrators away from hospital patrons that may be seeking an abortion.

### **Louisiana Police Officer Threatens Preachers with Arrest**

*World Wide Street Preachers Fellowship v. Town of Columbia*, 591 F.3d 747 (5th Cir. 2009)

A police officer in Columbia, Louisiana, arrested one street preacher and threatened others with arrest for preaching on state property. The officer told the preachers, “You cannot picket, boycott, on state property or right-of-way.” The U.S. Court of Appeals for the Fifth Circuit affirmed the district court’s holding that the police officer violated the street preachers’ First Amendment rights, but refused to hold the city of Columbia liable because the city did not have a custom or practice of prohibiting street preachers.

### **Atheist Group Sues to Stop Funds for Cleanup in Detroit from Going to Church**

*American Atheists, Inc. v. City of Detroit*, 567 F.3d 278 (6th Cir. 2009)

St. John’s Episcopal Church entered into a contract with the City of Detroit Development Authority to improve its exterior appearance in order to enhance the city’s image prior to the 2006 Super Bowl and to spur economic development in the area. The contract provided for reimbursement of half of the church’s expenses, up to \$180,000. After the American Atheists filed suit against the city, city officials withheld the reimbursement promised to the church. The Sixth Circuit held that the city’s revitalization program did not violate the Establishment Clause or the Michigan Constitution.

### **Former Employee Sues Ministry for Holding to Religious Beliefs**

*Pedreira v. Kentucky Baptist Homes for Children, Inc.*, 579 F.3d 722 (6th Cir. 2009)

Kentucky Baptist Homes for Children (KBHC) is a Christian organization that provides assistance to abused children. Due to its religious beliefs, KBHC has a policy against supporting homosexual conduct. Accordingly, KBHC terminated one of its employees, Alicia Pedreira, after discovering

her active lesbian conduct. Pedreira sued KBHC for holding to its religious beliefs, but the United States Court of Appeals for the Sixth Circuit found in favor of KBHC. Pedreira then tried to cut KHBC's government funding, stating that it violated the Establishment Clause. A settlement ensued that allowed KHBC to keep its funding but subjected them to intense scrutiny regarding any religious activity.

### **Christian Peer Support Group Cannot Encourage Looking to God at Mandatory Meeting**

*Milwaukee Deputy Sheriffs' Association v. Clarke*, 588 F.3d 523 (7th Cir. 2009)

The Seventh Circuit Court of Appeals held that inviting a Christian peer support group to mandatory police officer meetings where the speakers encouraged the officers to look to God for guidance was a violation of the Establishment Clause.

### **Town of Gilbert Discriminates Against Religious Signs**

*Reed v. Town of Gilbert*, 587 F.3d 966 (9th Cir. 2009)

A Gilbert, Arizona, sign ordinance discriminated against certain signs based on the content of the signs. According to the code, religious assembly signs were required to be smaller in size, fewer in number, and displayed for much less time than similar nonreligious signs. The ordinance also allowed ideological and political signs to be posted without a permit, whereas a permit was required to post religious assembly signs. A federal district court denied an injunction against the sign ordinance. The U.S. Court of Appeals for the Ninth Circuit, in a two-to-one decision, upheld the discriminatory ordinance.

### **County Attempts to Ban Rabbi from Having Religious Services in His Home**

*Konikov v. Orange County*, 276 Fed. Appx. 916 (11th Cir. 2008)

Rabbi Joseph Konikov was ordered by county code enforcement officials to stop holding prayer meetings in his home, alleging that he was in violation of local laws prohibiting "operating a synagogue or any function related to a synagogue and/or church services..." He was ordered to stop the prayer meetings or face daily fines totaling nearly \$56,000. Only at the Court of Appeals were the ordinance and fines overruled.

### **City Bans Church from "Religious Use" of Property in Commercial District**

*Digrugilliers v. Consolidated City of Indianapolis*, 506 F.3d 612 (7th Cir. 2007)

A Baptist church was told the church's "religious use" of its property violated the city's zoning code, which prohibited "religious use" of property in a commercial district. City officials told the church it would need to obtain special

permission to use the building for religious purposes and threatened the church with a lawsuit, fines of up to \$2,500 for each violation, and court costs.

### **Town Changes Zoning Ordinance to Exclude Churches**

*Petra Presbyterian Church v. Village of Northbrook*, 489 F.3d 846 (7th Cir. 2007)  
Following a purchase of property by a church, Northbrook changed the zoning ordinance to prevent churches from operating within its zone. The town obtained an injunction to prevent the church from meeting. The district court held that the church failed to show that the altered zoning ordinance burdened the church's exercise of religion even though they had to meet elsewhere. After an appeal, the appellate court affirmed the district court's ruling.

### **City of Boise Prohibits Religious Activities at Homeless Shelter**

*Community House, Inc. v. City of Boise*, 490 F.3d 1041 (9th Cir. 2007)  
Boise, Idaho, leased a homeless shelter to a nonprofit Christian organization, which provided voluntary chapel services and other religious activities at the shelter. The city then barred religious activities from the shelter. The organization filed a lawsuit to protect its right to conduct religious activities at the shelter. A federal district court granted an injunction prohibiting the city from banning religious activities at the shelter, but the Ninth Circuit Court of Appeals reversed, saying that there should be no religious activities at the shelter, even if participation is voluntary.

### **San Francisco Police Prohibit Religious Sound Amplification While Permitting Others**

*Rosenbaum v. City and County of San Francisco*, 484 F.3d 1142 (9th Cir. 2007)  
Rosenbaum and Livingston had been sharing the Gospel message using amplified sound in the streets and parks of San Francisco since 1978. Beginning in 1995, however, many of their permit applications for sound amplification were either denied or issued with significant restrictions. San Francisco police arrested Livingston on numerous occasions in response to hecklers' complaints about the content of Livingston's message. On one occasion, police issued a citation against Livingston but refused to cite persons from 'Reckless Records,' who were using an eighty-watt amplifier fifteen feet away from Livingston without a permit. On more than a dozen occasions, the city denied permits requested by Rosenbaum and Livingston. A lawsuit was filed, and the Ninth Circuit failed to sanction this unlawful discrimination, issuing a ruling in favor of the San Francisco officials.

### **School Excludes Nativity Scenes While Permitting Menorahs and Star and Crescents**

*Skoros v. City of New York*, 437 F.3d 1 (2d Cir. 2006)

A Catholic parent objected to a policy of excluding a Nativity scene from the schools' holiday displays while permitting menorahs, the Star and Crescent, and Christmas trees. A lawsuit was filed to remedy the exclusion of the Nativity scene. The court determined that it was appropriate to exclude the Nativity scene as it was still a religious symbol while the others had become secularized and that a child would not perceive an endorsement of Judaism or Islam or a disapproval of Christianity. The Second Circuit affirmed the district court's ruling.

### **Lawsuit Seeks Equal Access for Religious Worship Use at Library**

*Faith Center Church Evangelistic Ministries v. Glover*, 462 F.3d 1194 (9th Cir. 2006)

Contra Costa County, California, allows educational, cultural, or community-related meetings at its library, but explicitly prohibits religious worship. Faith Center Church sued for access to the library, but the Ninth Circuit held that excluding religious worship is a permissible exclusion from the forum.

### **Cheyenne Stops Church from Operating Daycare in Residential Area**

*Grace United Methodist Church v. City of Cheyenne*, 451 F.3d 643 (10th Cir. 2006)

The City of Cheyenne denied a nonprofit church's request for a variance to operate a daycare in a residential zoning area. The district court ruled and an appellate court affirmed the exercise of a daycare was not a sincere exercise of the church's religion and that the city properly denied the church's daycare request in the interest of the health, safety, and welfare of citizens.

### **Lawsuit Attempts to Oust Leadership of Hindu Temple**

*Hindu Temple Society of North America v. Supreme Court of the State of New York*, 142 Fed. Appx. 492 (2d Cir. 2005)

Six individuals sued the Hindu Temple Society of North America, a house of worship they rarely attended, asking to be put in charge of the leadership of the Temple. They wanted to restructure the Temple's governing board and asked the court to place them in a position of authority within the Temple. After a four-year battle, the New York Court of Appeals ruled in favor of the Hindu Temple, granting them their right to order their worship as they deemed fit.

### **Officers Used Misleading Information to Remove Students from Christian Boarding School**

*Heartland Academy Community Church v. Waddle*, 427 F.3d 525 (8th Cir. 2005)  
Chief Juvenile Officers for the state of Missouri were upset with the teaching of a Christian boarding school. The officers conspired to use misleading information to obtain a removal order and then sent in juvenile authorities and armed law enforcement officers to remove 115 of the school's students. The Eighth Circuit Court of Appeals held that the seizures were unreasonable under the Fourth Amendment and that the officers violated the school's procedural due process and freedom of association.

### **FFRF Sues to Limit Access to Faith-Based Halfway House**

*Freedom From Religion Foundation v. McCallum*, 324 F.3d 880 (7th Cir. 2003)  
The Freedom From Religion Foundation filed a lawsuit to prevent correctional authorities from directing inmates to the Faith Works halfway house because that halfway house incorporates Christianity into its program.

### **Church Association Sues Chicago Over Zoning Laws**

*Civil Liberties for Urban Believers v. City of Chicago*, No. 01-4030, 2003 U.S. App. LEXIS 24176 (7th Cir. 2003)

Civil Liberties for Urban Believers (CLUB), an association of forty Chicago-area churches, sued the City of Chicago arguing that the city's zoning laws placed an undue burden on churches and were thus in violation of the Constitution, Illinois' Religious Freedom Restoration Act, and RLUIPA. The appellate court ruled against CLUB, continuing to make it difficult for Chicago churches to build and expand within the city.

### **Separationist Groups Sue Texas for Working with Faith-Based Charities**

*American Jewish Congress v. Bost*, 37 Fed. Appx. 91 (5th Cir. 2002)  
"Separation of church and state" groups sued the State of Texas in federal district court for its charitable choice program. The lawsuit was an attempt to strike down the charitable efforts of several businesses and churches involved in a program to move people off welfare roles into paying jobs.

### **Town Revokes Permit for Church to Hold Worship Services**

*Amandola v. Town of Babylon*, 251 F.3d 339 (2d Cir. 2001)  
Romans Chapter Ten Ministries, Inc. had obtained a permit to use Babylon's Town Hall Annex to hold worship services, but when an angry resident called the city to complain about the facilities being used for church services, the town revoked the permit. The church had to file a lawsuit to protect their right to access the community facilities and to end the religious discrimina-

tion. The Second Circuit held that revocation of the permit violated the First Amendment.

### **Lawsuit Attempts to Stop Montgomery County's Religious Accommodation**

*Ehlers-Renzi v. Connelly School of the Holy Child*, 224 F.3d 283 (4th Cir. 2000)  
An ordinance in Montgomery County, Maryland, accommodated churches by exempting them from acquiring a special permit before constructing a school on church property. A lawsuit was filed to attempt to strike down the law. The Fourth Circuit held that the ordinance did not violate the Establishment Clause.

### **Church Prohibited from Showing Religious Film at Senior Center**

*Church on the Rock v. City of Albuquerque*, 84 F.3d. 1273 (10th Cir. 1996)  
Albuquerque, New Mexico, prohibited Church on the Rock from showing a religious film at a senior center or passing out Bibles to people at the center. Church on the Rock sued to be able to show the film and distribute Bibles. A federal district court found for the city, but the Tenth Circuit reversed, holding that Albuquerque had engaged in unconstitutional viewpoint discrimination against the church.

### **Sterling Heights, Michigan, Blocks Construction of Mosque**

*United States v. City of Sterling Heights*, No. 2:16-cv-14366 (E.D. Mich., filed Dec. 15, 2016)

The American Islamic Community Center (AICC) wanted to build a new mosque in Sterling Heights, Michigan, to be better able to meet the needs of its members. Sterling Heights, Michigan, does not permit any religious buildings anywhere in the town by right. Instead, Sterling Heights must approve each one individually. When AICC gave its presentation before the City Planning Commission meeting, comments on the proposed mosque were heavily opposed to the construction, often attacking Islam and including comments like, "Remember 9/11." A commissioner proposed requiring a "full impact social and economic study" before approval, which had never been required for any other house of worship. After a delay, the City Planning Commission denied the application. In response, the Department of Justice sued the city for violating the Religious Land Use and Institutionalized Persons Act.

### **Oyster Bay, New York, Places Burdensome Requirements on Sikh Temple**

*Guru Gobind Singh Sikh Center Inc. v. Town of Oyster Bay*, No. 2:16-cv-03600 (E.D.N.Y., Nov. 23, 2016)

The Guru Gobind Singh Sikh Center was building a new temple in Oyster

Bay, New York. As the three-million-dollar temple was nearly completed, Oyster Bay officials stopped the construction and demanded an environmental study of the temple. Oyster Bay had not required any other religious houses of worship to complete environmental studies. The Guru Gobind Singh Sikh Center filed a federal lawsuit against Oyster Bay, arguing that the town's demands for an environmental study for the Sikh temple while not requiring it for any other houses of worship violated the Religious Land Use and Institutionalized Persons Act. The town agreed to settle with the Guru Gobind Singh Sikh Center and the town is no longer authorized to act as an oversight committee for the temple site plan approval process.

**Woodcliff Lake, New Jersey, Repeatedly Blocks Orthodox Jewish Synagogue**  
*Valley Chabad, Inc. v. Borough of Woodcliff Lake, N.J.*, No. 2:16-cv-08087 (D.N.J., filed Nov. 1, 2016)

For over ten years, Valley Chabad has been looking for a new place in the Borough of Woodcliff Lake, New Jersey, to have a house of worship after outgrowing its present site. In those ten years, Valley Chabad has tried to move into four different pieces of property. Each time Valley Chabad has attempted to make a move, Woodcliff Lake has taken steps to ensure that Valley Chabad would be unable to make use of the property. The borough has even used eminent domain to take land from Valley Chabad. As part of this campaign to keep Valley Chabad out of Woodcliff Lake, the mayor of Woodcliff Lake, Carlos Rendo, warned that Valley Chabad was trying to “turn the Borough into a little Jerusalem.” Local residents expressed concern that “[o]ur town will be littered with black hats walking the town on Saturdays.” Valley Chabad has now filed a lawsuit against Woodcliff Lake arguing that the borough violated Valley Chabad's rights under the U.S. Constitution, the Religious Land Use and Institutionalized Persons Act, and the New Jersey Law Against Discrimination.

**Mobile, Alabama, Blocks Buddhist Meditation Center, Claiming It Is “Not a Religious Facility”**

*Thai Meditation Ass'n of Ala., Inc. v. City of Mobile*, 2016 U.S. Dist. LEXIS 150360 (S.D. Ala., Oct. 31, 2016)

The Thai Meditation Association of Alabama was formed as a religious non-profit organization to provide a meditation center for Buddhists and those interested in learning about Buddhism. Following a meeting with the Mobile Planning Department, the members of the Thai Meditation Association bought a 6.7-acre piece of land that had a single-family residence on it. The Mobile Planning Department informed the association that religious facilities

were allowed on the property with approval from the planning commission, which the association believed would be forthcoming. When the association filed the application for approval with the Mobile Planning Commission, however, the commission rejected the application claiming that a Buddhist meditation center is not a place of worship. The Thai Meditation Association appealed to the Mobile City Council. The council voted to deny the appeal, with one councilmember saying, “This is not a religious facility.” The City of Mobile then sued the association to stop them from having meditation retreats on the property. The Thai Meditation Association then sued the City of Mobile for violating the Religious Land Use and Institutionalized Persons Act (RLUIPA) and for negligently misrepresenting facts to the association. A federal district court has permitted the RLUIPA claims “as applied” and the negligent misrepresentation claim to proceed. The litigation is ongoing.

### **Poultry-Rights Organization Attempts to Stop 1,100-Year-Old Religious Practice**

*United Poultry Concerns v. Chabad of Irvine*, No. 8:16-cv-01810 (C.D. Cal., filed Sept. 29, 2016)

On September 29, 2016, the United Poultry Concerns, a poultry-rights activist organization, sued an Orthodox Jewish synagogue in Irvine, California, and its rabbi for practicing Kapparot—a religious ceremony in which the atonement of sins is contemplated through prayer and the kosher killing of a chicken. After a federal district court issued a temporary restraining order shortly before Yom Kippur and the Kapparot ceremony were to begin, stopping the religious practice, First Liberty Institute got involved and the restraining order was lifted, permitting the members of the Chabad of Irvine to continue their religious practice. The court battle continues, however.

### **Ocean, New Jersey, Blocks Orthodox Jewish School**

*Yeshiva Gedola Na'os Yaakov, Inc. v. Township of Ocean, New Jersey* (D.N.J., Aug. 26, 2016)

A Yeshiva—an Orthodox Jewish school for advanced studies—wanted to use an existing school building in Ocean, New Jersey, as a 96-student boarding school. The town’s zoning laws, however, ban the use of land for religious education for all students over eighteen years of age. The Yeshiva sought a variance to the zoning laws, but the township dragged out the application process for over a year. The Yeshiva filed a lawsuit under the Religious Land Use and Institutionalized Persons Act (RLUIPA) challenging Ocean’s refusal to permit the religious school while permitting secular schools of higher education. A federal district court held that Ocean had violated RLUIPA.



### **California Forces Churches to Provide Insurance Coverage for Abortions**

*Foothill Church v. Rouillard*, No. 2:15-cv-02165 (E.D. Cal., July 11, 2016)

California requires all organizations—even churches with religious objections to abortion—to provide insurance coverage for abortion if they cover maternity services. Three churches—Foothill Church, Calvary Chapel Chino Hills, and Shepherd of the Hills Church—filed a lawsuit against the California Department of Managed Health Care challenging the requirement that the churches violate their religious beliefs by providing coverage for abortions. A federal district court dismissed the lawsuit, finding that the law is a neutral law of general applicability.

### **African-American Church Denied Permit to Use Church Building as a Church**

*The King's Tabernacle v. Town of Johnston, Rhode Island*, No. 1:16-cv-00030 (D.R.I., June 1, 2016)

The King's Tabernacle, an African-American church, bought a building that had been used as a church by Belknap Community Church in order to use it as the church building for The King's Tabernacle. Even though the building had already been used as a church, the Town of Johnston, Rhode Island, refused to permit The King's Tabernacle to use the building as a church. The Town of Johnston also demanded that The King's Tabernacle pay property taxes on the building. Additionally, Ben Nascenzi, the Johnston's zoning official, was recorded referring to the "f\_\_\_\_ing black owner" of The King's Tabernacle. The King's Tabernacle sued the Town of Johnston and Nascenzi for violating both the U.S. Constitution and the Religious Land Use and Institutionalized Persons Act. The lawsuit settled in The King's Tabernacle's favor.

### **Village Blocks Diocese's Plans to Build Cemetery**

*The Roman Catholic Diocese of Rockville Ctr. v. The Incorporated Vill. of Old Westbury*, No. 09-CV-5195(PKC) (E.D.NY. Sept. 3, 2015)

The Roman Catholic Diocese of Rockville Centre's plans to create a cemetery have been repeatedly blocked by a Long Island village since 1994. The diocese claims that the village imposed arbitrary and unreasonable burdens preventing it from using the property for its intended religious purpose. Judge Pamela K. Chen has allowed the diocese's case to continue.

### **Phoenix Restricts Home Bible Study**

*Salman v. City of Phoenix*, No. CV-12-01219-PHX-JAT (D. Ariz. Aug. 27, 2015)

Phoenix, Arizona, applied its building code to a Bible study held in a private home, requiring the home to meet the building requirements applied to

churches. The owners of the home sued to allow their private Bible studies to continue, but the district court dismissed their case.

### **Church Told to Close Over Permit Requirements After Ten Years**

*Church of Our Lord & Savior Jesus Christ v. City of Markham*, No. 15 C 4079 (N.D. Ill. Aug. 19, 2015)

After operating in the same location for ten years without issue, the Church of Our Lord and Savior Jesus Christ received a summons requiring it to close because it had not received a conditional use permit. The church sued the city of Markham, Illinois, under Illinois' Religious Freedom Restoration Act and the federal Religious Land Use and Institutionalized Persons Act. A federal district court declined to dismiss the case.

### **New Jersey Bars Catholic Cemetery from Selling Its Own Headstones**

*Roman Catholic Archdiocese of Newark v. Christie*, No. 3:2015cv05647 (D.N.J., filed July 20, 2015)

Targeting the Archdiocese of New Jersey, the state of New Jersey barred any religious organization that controls a cemetery from selling memorials, vaults, or mausoleums. In response, the Institute for Justice on behalf of the Archdiocese filed a lawsuit to protect its right to sell headstones for its private community on its private property. The law was passed after the local headstone industry group lost a lawsuit against the church the year before.

### **Former Teacher Sues Catholic School for Holding to Catholic Beliefs**

*Dollar v. Trs. of Mount de Sales Acad. Inc.*, No. 5:2015-cv-00253 (M.D. Ga., filed June 29, 2015)

Flint Dollar, a music teacher at Mount de Sales Academy Catholic school in Macon, Georgia, was fired after informing the school that he planned to enter into a same-sex marriage. The school released a statement that it was committed to upholding the Catholic teaching on marriage, and same-sex marriage goes against Catholic doctrine. Dollar filed a federal lawsuit against the school. Dollar and the school settled the case.

### **San Diego Forces Church Off of Property with Zoning Change**

*San Diego Christian Worship Center Church, Inc. v. City of San Diego*, No. 37-2015-00017917-CU-OR-CTL (San Diego Sup. Ct., filed May 28, 2015)

The San Diego Christian Worship Center in Kearny Mesa opened in 1995 and has since invested over \$700,000 in improvements to its property. In 2014, however, city planners decided to change the zoning in which the church property sits to exclude the church. The San Diego Christian Worship Cen-

ter filed a lawsuit against the city to avoid being forced off its property. The litigation is ongoing.

**Jury Fines Catholic School \$1.9 Million for Enforcing Moral Code of Conduct**

*Herx v. Diocese of Fort Wayne—S. Bend, Inc.*, No. 1:12-CV-122 RLM, 2015 U.S. Dist. LEXIS 3047 (N.D. Ind. Jan. 12, 2015)

A jury found that the Roman Catholic Diocese of Fort-Wayne-South Bend must pay \$1.9 million to a St. Vincent de Paul Catholic School teacher who was fired for undergoing in vitro fertilization. Even though the jury was instructed that Catholic doctrine views the procedure as gravely immoral, the jury penalized the school for firing the teacher under its faith-based code of conduct. The judge lowered the amount to \$403,608.

**Bayview, Texas, Bans Church and Religious School from Operating on their Own Property**

*Cornerstone Church by the Bay v. Town of Bayview, Texas*, No. 1:14-cv-00126 (S.D. Tex., filed Jul. 22, 2014)

Cornerstone Church in Bayview, Texas, was gifted property, which it sought to use as a church and religious school. Bayview refused to allow the property to be used as a church or religious school, however, and the Bayview Board of Aldermen voted unanimously to ban churches and schools from the area where Cornerstone's property sits, despite allowing nonreligious institutions in the same area. Liberty Institute filed a lawsuit against Bayview, Texas, and a U.S. district court judge issued a preliminary injunction blocking Bayview from enforcing their zoning ordinance against the property.

**Atheist Groups Sue to Block Tax-Exempt Status for Churches and Parsonages**

*American Atheists v. Shulman*, No. 2:12-cv-00264 (E.D. Ky. May 19, 2014)

<http://religionclause.blogspot.com/2014/05/court-rejects-atheists-attack-on-church.html>

<http://www.atheists.org/document.doc?id=34>

Several atheist groups filed a lawsuit challenging tax-exempt status for churches and the tax exemption for parsonages. The court held that the plaintiffs did not have standing because they never applied for the religious status that would allow them to receive such benefits.

### **Muslim Congregation Denied Zoning Permit for Worship Center**

*Am. Islamic Ctr. v. City of Des Plaines*, No. 13-6594, 2014 WL 1243870 (N.D. Ill. Mar. 24, 2014)

[http://articles.chicagotribune.com/2013-09-17/news/chi-lawsuit-des-plaines-zoning-denial-violates-muslim-groups-religious-freedom-20130916\\_1\\_mosque-american-islamic-center-religious-freedom](http://articles.chicagotribune.com/2013-09-17/news/chi-lawsuit-des-plaines-zoning-denial-violates-muslim-groups-religious-freedom-20130916_1_mosque-american-islamic-center-religious-freedom)

A Bosnian Muslim congregation requested that the City of Des Plaines, Illinois, rezone a building in a manufacturing district to accommodate a new mosque. The city council refused the request, citing safety and traffic concerns due to the industrial nature of the area. The mosque filed a lawsuit against the city for discriminatory treatment. An Illinois federal district court found in favor of the city council on the grounds of legislative immunity.

### **Santeria Priest Targeted for Prosecution Because of His Religious Beliefs**

*Badillo v. Amato*, 2014 U.S. Dist. LEXIS 10210 (D.N.J. Jan. 28, 2014)

A New Jersey district court judge held that Jorge Badillo, a Santeria priest, may proceed with his First Amendment and Fourth Amendment claims against Chief Amato of the Society for the Prevention of Cruelty to Animals (SPCA). Amato had entered Badillo's property without permission or warrant and found animals used in Badillo's religious practices. Badillo contends that Amato had targeted his property for inspection and prosecution because of Badillo's religious beliefs.

### **New Orleans Arrests Pastor for Preaching During Gay Pride Festival**

*Gros v. New Orleans City*, No. 12-2322 (E.D. La. Dec. 16, 2013)

In 2011, the city of New Orleans passed a law that prohibited loitering or congregating on Bourbon Street "for the purpose of disseminating any social, political, or religious message between the hours of sunset and sunrise," while still allowing other forms of expression. In 2012, Pastor Paul Gros of Vieux Carre Assembly of God Church was arrested during the Southern Decadence gay pride festival over the Labor Day weekend. A federal district court found that New Orleans violated Pastor Gros's constitutional rights.

### **New Jersey Community Attempts to Block Construction of Mosque**

*Al Falah Center v. City of Bridgewater*, CIV.A. 11-2397 MAS (D.N.J. Sept. 30, 2013)

A Muslim group in Bridgewater, New Jersey, purchased unrestricted property in order to build the Al Falah Center, a mosque that they had been planning for over ten years. When word of their submitted building application became public, however, the community became hostile to the plans. The city council then rushed to pass an amended zoning ordinance that would

block any houses of worship on Al Falah's newly purchased property and rejected the Al Falah Center's application. Al Falah filed a lawsuit asking for injunctive relief from the city council's discriminatory treatment. A federal judge ruled in favor of the mosque and ordered the council to reconsider Al Falah's application without factoring in the newly enacted ordinance. The city was forced to pay damages to the Al Falah Center and was barred from enforcing its amended zoning ordinance. The Al Falah Center built on a different location.

**St. Louis Prohibits Church from Meeting in Large Tent and Arrests Four**

*New Life Evangelistic Ctr., Inc. v. City of St. Louis*, No. 4:12-CV-1077-HEA, 2013 WL 4517765 (E.D. Mo. Aug. 26, 2013)

New Life Evangelistic Center in St. Louis, Missouri, erected a large tent on its property to host worship services and provide for the needs of the homeless. Claiming that the tent posed an immediate danger to public health, safety, and welfare, the City of St. Louis issued an emergency condemnation of the property and sent police officers to disburse the people conducting the services, arresting four persons for occupying a condemned building. The New Life Evangelistic Center filed a lawsuit against the city, and the case settled.

**Ministry Leader Accused of "Crimes Against Humanity" for Opposing Homosexual Conduct**

*Sexual Minorities Uganda v. Lively*, No. 12-CV-30051-MAP, 2013 WL 4130756 (D. Mass. Aug. 14, 2013)

Abiding Truth Ministries is a Christian organization that defends the biblical view of marriage in the United States and around the globe. Scott Lively, president of Abiding Truth Ministries, was haled into court by a Ugandan LGBTI advocacy group who claimed that Lively's support of biblical marriage constituted "harsh and frightening" persecution of the LGBTI community in Uganda and demanded the termination of Lively's ministry. A federal district court in Massachusetts has agreed to hear the case, stating, "[M] any authorities implicitly support the principle that widespread, systematic persecution of individuals based on their sexual orientation and gender identity constitutes a crime against humanity that violates international norms."

**City of Elgin Attacks Ministry That Provides Mobile Pregnancy Services**

*Life Ctr., Inc. v. City of Elgin, Ill.*, 13 C 1759, 2013 WL 4029148 (N.D. Ill. Aug. 8, 2013)

The Life Center (TLC) runs a mobile facility that operates in the commercial parking lots of consenting businesses and provides pregnancy services

along with Christian literature to women in need. The City of Elgin, Illinois, amended its ordinances to include a limiting temporary land use provision and attempted to shut the ministry down. Instead, TLC fought back, and a federal judge called Elgin's "effort to curtail private entities from providing free and valuable services to its young women ... ill-advised," and held that the city's amendments were unconstitutionally vague and overbroad.

### **Geneva College Sues for Right to Not Facilitate Abortifacient Coverage**

*Geneva College v. Sebelius*, No. 2:12-207, 2013 U.S. Dist. LEXIS 85107 (W.D. Penn. June 18, 2013)

Geneva College, a Presbyterian college, filed suit over objections to being required by the Patient Protection and Affordable Care Act's HHS mandate to cover contraceptives that it considers abortifacients, which would be in violation of its religious beliefs. The college claims these requirements violate the Religious Freedom Restoration Act, the First and Fifth Amendment, and the Administrative Procedures Act. A federal district court granted a preliminary injunction stopping enforcement of the mandate against the college.

### **Los Angeles Refuses to Allow Orthodox Congregation to Meet in Residential Area**

*Congregation Etz Chaim v. City of Los Angeles*, No. 10-1587 (C.D. Cal. May 15, 2013)

In 1996, the City of Los Angeles, California, denied the request of Congregation Etz Chaim, an Orthodox Jewish synagogue, to meet in a residential home for church purposes. Etz Chaim refused to give in to the discriminatory refusal, choosing instead to fight back in federal court. After a legal battle lasting more than fifteen years, federal judges ruled that the city's imposition of land-use regulations against Etz Chaim violated federal law by intruding on their free exercise of religion. The city finally agreed to settle the lawsuit by paying Congregation Etz Chaim \$950,000.

### **City of Naperville Refuses to Grant Permit for Islamic Center**

*Irshad Learning Ctr. v. County of DuPage*, No. 10-cv-2168, 2013 U.S. Dist. LEXIS 47094 (N.D. Ill. Mar. 29, 2013)

An Islamic center was denied a zoning permit in Naperville, Illinois. The center sued Naperville for violating the Religious Land Use and Institutionalized Persons Act (RLUIPA), the Religious Freedom Restoration Act (RFRA), and the U.S. Constitution. The center asserted that it was being treated differently from nonreligious organization and other religious organizations. The U.S. District Court for the Northern District of Illinois found that Naperville

had substantially burdened the Islamic center's free exercise of religion and violated both RLUIPA and RFRA.

**Catholic Television Network Sues to Not Be Forced to Cover Birth Control**  
*Eternal Word Television Network, Inc. v. Sebelius*, No. 2:12-501 (N.D. Ala. Mar. 25, 2013)

Eternal Word Television Network, a Roman Catholic media network, filed a lawsuit challenging the Patient Protection and Affordable Care Act and the HHS mandate's requirement that the organization provide health insurance that covers contraceptives, abortifacients, and sterilization products for its employees. A federal district court dismissed the lawsuit because the HHS mandate's final language was not yet complete.

**Catholic Business Sues Over Obamacare's Mandatory Birth Control Drug Coverage**

*Legatus v. Sebelius*, 901 F. Supp. 2d 980 (E.D. Mich. Oct. 31, 2012)

Legatus, an organization of Catholic business and professional leaders; Daniel Weingartz, a Catholic; and Weingartz Supply Company, a for-profit Catholic business, filed suit against the Patient Protection and Affordable Care Act's mandate that businesses provide health insurance that covers birth control and some types of abortion pills even though Catholics oppose the use of any form of contraception. A federal district court granted a preliminary injunction stopping enforcement of the mandate against Weingartz and the Weingartz Supply Company. The case is now on appeal to the Sixth Circuit.

**City of Medina Issues Moratorium on Church Construction**

*Woodridge Church v. City of Medina*, No. 11-275, 2012 U.S. Dist. LEXIS 87687 (D. Minn. June 25, 2012)

Woodridge Church filed plans with the city of Medina, Minnesota, to expand its church. The city refused to approve the plans, issuing a one-year moratorium on church construction and creating a new zoning district to include the church with recommended square footage limits to the size of buildings and their footprints. The church withdrew its request and filed suit based on several statutory and constitutional grounds. The case settled.

**Philadelphia Attempts to Stop Churches from Feeding the Homeless**

*Chosen 300 Ministries, Inc. v. City of Philadelphia*, No. 2:12-3159 (E.D. Penn., filed June 5, 2012)

Philadelphia relocated an art collection to the downtown area and enacted new regulations that closed down a church's program of feeding homeless people outdoors in public parks. A group of churches filed a complaint claim-

ing the new regulations were designed to stop the food programs in violation of the churches' First Amendment free speech rights as well as rights created by Pennsylvania's Religious Freedom Protection Act. The group of churches claims the city targeted religiously sponsored feeding programs, while creating exceptions for other nonreligious activities.

### **Village Attempts to Prevent Catholic Church from Using Land as a Cemetery**

*Roman Catholic Diocese of Rockville Centre, New York v. Incorporated Village of Old Westbury*, No. 09 cv 5195, 2012 U.S. Dist. LEXIS 56694 (E.D.N.Y. Apr. 23, 2012)

The Roman Catholic Diocese of Rockville Center, New York, bought land to use as a cemetery. The village fought to keep the church from using the land as a cemetery. The diocese is suing the village for Religious Land Use and Institutionalized Persons Act, free exercise, and equal protection violations.

### **Village of Bolingbrook Refuses to Allow Church to Build on Its Rental Property**

*Liberty Temple Full Gospel Church, Inc. v. Village of Bolingbrook*, No. 11-2173 (N.D. Ill. Apr. 12, 2012)

The Liberty Temple Full Gospel Church in Bolingbrook, Illinois, sued under the RLUIPA because the city refused to let it build a church on its rental property based on the absence of a zoning designation on the city map. The district court denied the city's motion for summary judgment, allowing the case to proceed to trial.

### **City of Kelso Attempts to Stop Religious Education Center**

*Victory Center v. City of Kelso*, 2012 WL 1133643 (W.D. Wash. April 4, 2012)

The Kelso Church of Truth bought land on which the church planned to build an educational center called the Victory Center. The City of Kelso, Washington, opposed construction of the building, claiming that the building would be a community center and that the land was not zoned for such a building. The district court dismissed the church's federal and state constitutional claims, but preserved its Religious Land Use and Institutionalized Persons Act (RLUIPA) claims. The church plans to move forward with the RLUIPA claims.

### **Village of Woodbury Attempts to Keep Out Jewish Community Via Zoning Laws**

*Village of Kiryas Joel, New York v. Village of Woodbury, New York*, No. 7:11-8494 (S.D.N.Y. Mar. 29, 2012)

The town of Kiryas Joel, New York, an Orthodox Jewish Hasidic village, sued the nearby town of Woodbury, New York, for changing zoning laws in



an attempt to discriminate. The Jewish community was in the process of expanding into Woodbury when the city officials changed the zoning laws regulating the population density in the area so that the Jewish community could no longer continue the expansion.

### **Christian School in Ohio Banned from Using Its Buildings**

*Tree of Life Christian School v. City of Upper Arlington*, 2012 WL 831918 (S.D. Ohio Mar. 12, 2012)

Upper Arlington, Ohio, refused to grant a Christian school a permit to use its building, prohibiting the school from operating. Upper Arlington allowed day-care facilities to operate in the same zone, however. Tree of Life Christian School sued under the Religious Land Use and Institutionalized Persons Act (RLUIPA).

### **States Sue to Stop Federal Government from Mandating Coverage of Birth Control**

*State of Nebraska v. U.S. Department of Health and Human Services*, No. 4:12-3035 (D. Neb., filed Feb. 23, 2012)

The attorneys general of South Carolina, Texas, Florida, Ohio, Oklahoma, and Nebraska filed suit against the U.S. Department of Health because of recent legislation requiring insurance to cover birth control. The attorneys general claim that the legislation violates the Religious Freedom Restoration Act, freedom of speech, freedom of association, and the free exercise of religion. The attorneys general brought the suit both on behalf of their states and the people of their states. The district court dismissed the lawsuit, but the states appealed. Following the appeal, the states voluntarily dismissed the case.

### **Connecticut Town Prevents Jewish Group from Restoring Historic Building**

*Chabad Lubavitch of Litchfield County, Inc. v. Borough of Litchfield, Connecticut*, 853 F. Supp. 2d 214 (D. Conn. Feb. 17, 2012)

The U.S. District Court for the District of Connecticut granted summary judgment against a Jewish organization's Religious Land Use and Institutionalized Persons Act (RLUIPA) and Free Exercise Clause claims. The organization alleged that the Borough of Litchfield discriminated against the organization based on religious grounds by denying its application to restore and add to a historic building. The Court held that the statute preventing the expansion did not substantially burden the free exercise of the organization's religion because it is neutral and not applied arbitrarily.

### **City in Georgia Limits Expansion of Scientologist Church**

*Church of Scientology of Georgia, Inc. v. City of Sandy Springs, Georgia*, 2012 WL 500263 (N.D. Ga. Feb. 10, 2012)

The City of Sandy Springs granted a conditional approval of the Church of Scientology's rezoning application but refused to allow expansion of the church for lack of parking. The church brought a suit claiming violations of the First Amendment and the Religious Land Use and Institutionalized Persons Act (RLUIPA). While the court held that the city did not violate the equal terms provision or the exclusion and limits provision of RLUIPA or the church's substantive due process rights under Georgia's constitution, it held that there remained material fact issues as to whether the city's conditional approval imposed a substantial burden on the church's religious exercise and whether the city acted with discriminatory purpose.

### **Santa Fe County, New Mexico, Refuses to Allow Religious Group to Build New Temple**

*O Centro Espirita Beneficente Uniao do Vegetal v. Board of County Commissioners of Santa Fe County*, No. \_\_\_\_ (D.N.M., filed Feb. 2, 2012)

Santa Fe County, New Mexico, denied a religious group, O Centro Espirita Beneficente Uniao do Vegetal (UDV), permits needed to build a new temple outside of Santa Fe city limits. UDV sued, claiming that the denial is because some members of the community are opposed to the church.

### **City of Alpharetta Denies Application for Islamic Center to Expand**

*Islamic Center of North Fulton, Inc. v. City of Alpharetta, Georgia*, No. 1:10-1922 (N.D. Ga. Jan. 25, 2012)

The City of Alpharetta, Georgia, denied an application by an Islamic Center to expand its facilities. The center filed a lawsuit under the Religious Land Use and Institutionalized Persons Act (RLUIPA), but the district court found in favor of the city.

### **Dallas Ordinance Limits Ministry that Provides Food for the Homeless**

*Big Hart Ministries Association, Inc. v. City of Dallas*, 2011 WL 5346109 (N.D. Tex. Nov. 4, 2011)

Big Hart Ministries Association, which provides food for the homeless in Dallas, Texas, brought suit against the City of Dallas, alleging that a Dallas ordinance that requires Big Hart to have a pre-approved location for food distribution violates the Texas Religious Freedom Restoration Act. A federal district court refused the city's motion to dismiss the case.

**New Jersey Requires Retirement Center to Include Nonchurch Member on Board**

*Wiley Mission v. State of New Jersey, Department of Community Affairs*, No. 10-3024, 2011 U.S. Dist. LEXIS 96473 (D.N.J. Aug. 25, 2011)

The Wiley Mission, which operates a continuing care retirement center (CCRC) for senior citizens, pushed back at a New Jersey statute that requires all CCRCs regulated by the state to include a non-church member on the board. The Wiley Mission was told a failure to add a nonchurch member to its board would result in the organization losing its license to operate in the state. The Wiley Mission alleged the statute violated the organization's First Amendment and Equal Protection rights. The U.S. District Court agreed in part, saying a strict scrutiny analysis applies when looking at the church's freedom of association claims. The court held "the department presents no evidence that the statute is narrowly tailored to protect senior citizens" and granted the plaintiffs summary judgment on the freedom of association issue.

**Church Denied Clearance to Construct New Building in Prince George, Maryland**

*Reaching Hearts Int'l, Inc. v. Prince George's County*, 2011 WL 3101801 (D. Md. July 22, 2011)

The city of Prince George, Maryland, continues to deny Reaching Hearts International Church clearance to build a new church. The suit, which began in 2008 against the city for opposing the construction of a new building, continues on as the city opposed the district court's order to provide water and sewage lines to the property. The district court also affirmed a jury award of \$3.7 million in damages for the church. The church filed another suit against the city in July of 2011 seeking to enforce the order to supply water and sewage lines and claiming that the resistance is due to a personal vendetta of one of the city councilmen. Following an appeal to the Fourth Circuit, the case is back at the district court to reconsider the award of fees.

**City of Phoenix Attempts to Limit Ringing of Church Bells**

*St. Mark Roman Catholic Parish Phoenix et al. v. City of Phoenix, Arizona*, No. 2:09-1830 (D. Ariz. Apr. 19, 2010)

A federal district court in Arizona permanently enjoined the City of Phoenix from enforcing its noise ordinance against noises arising from religious expression, such as the ringing of church bells, holding that enforcing the noise ordinance against such noises violated the First and Fourteenth Amendments to the U.S. Constitution and Arizona's Free Exercise of Religion Act.



### **City of Montgomery Requires Permit to Engage in Religious Protest**

*Bethel v. City of Montgomery*, No. 2:04-743, 2010 WL 996397 (M.D. Ala. Mar. 2, 2010)

Preachers challenged a city ordinance in Montgomery, Alabama, requiring people to obtain a permit before participating in public assembly, such as religious protests. A magistrate judge found the ordinance to be constitutionally permissible and recommended the case be dismissed with prejudice.

### **Evangelists Arrested in San Antonio for Peacefully Preaching on Public Sidewalks**

*Muniz v. City of San Antonio*, No. 5:10-00749 (W.D. Tex. 2010)

Jose Muniz was cited and Todd Leibovitz was arrested and jailed overnight for peacefully preaching and distributing free religious literature on public sidewalks in San Antonio. Liberty Institute represented Muniz and Leibovitz in a lawsuit against the city of San Antonio. The case settled for approximately \$15,000 and the city's agreement that peacefully preaching and distributing free religious literature are constitutionally protected activities.

### **City in Georgia Imposes Additional Requirements on Churches**

*Christ Liberty Family Life Center v. City of Avondale Estates, Georgia*, No. 1:10-02326 (N.D. Ga. 2010)

A city zoning ordinance prohibits churches from being located in a certain area of town. Christ Liberty's property was in that particular area, and its ministries were hindered because it was stopped from meeting on the leased property. Libraries and other organizations are not required to obtain the "conditional use permit" that churches in the town are required to obtain.

### **Town of Greensborough Attempts to Delay Permit for Church**

*Fortress Bible Church v. Feiner*, 734 F.Supp.2d 409 (S.D.N.Y. 2010)

Fortress Bible Church sued the town of Greensborough, New York, under the Religious Land Use and Institutionalized Persons Act (RLUIPA) because of intentional delays in granting a land-use permit for the church and because of hostility toward the church. The court held in favor of the church, ordering the town to grant the permit.

### **Court Reverses Decision and Agrees Church Is Entitled to a Special Permit**

*Grace Church of Roaring Fork Valley v. Board of County Commissioners of Pitkin County, Colorado*, 742 F.Supp.2d 1156 (D. Colo. 2010)

A federal court initially rejected a Colorado church's Religious Land Use and Institutionalized Persons Act (RLUIPA) claim in 2007. When the case was finally about to go to trial in 2010, however, the court reversed its order and

found in favor of the church on the grounds that it was entitled to a special permit. The court also found, however, that any religious hostility that occurred was merely coincidental and that the church was not entitled to any damages.

### **City of Elgin Drives Homeless Ministry from City**

*Family Life Church v. City of Elgin*, 561 F. Supp. 2d 978 (N.D. Ill. Jun. 18, 2008) H.E.L.P.S., a Christian homeless ministry operating out of a church building in Elgin, Illinois, was told that the city required the church to obtain a building occupancy permit and zoning permission to keep the ministry open. Elgin's city manager informed them that a conditional use permit would also be necessary and told them that the chances of obtaining one from the city council were "a million to one." After the city drove the organization from the Family Life Church, H.E.L.P.S. began ministering at a camp twenty minutes outside the city, on weekends at other churches, or on their bus. The district court held that the city's actions did not violate the First Amendment.

### **Lawsuit Attempts to Stop Federal Funds to Marriage Education Workshops**

*Christianson v. Leavitt*, 482 F. Supp. 2d 1237 (W.D. Wash. Mar. 20, 2007) The Northwest Marriage Institute provides both biblically-based and secular marriage education workshops throughout the Pacific Northwest. Over two years, the institute was awarded three federal grants, enabling it to provide the secular workshops at no charge to low-income families. None of the funds were used for the biblically-based workshops. Nevertheless, Americans United for Separation of Church and State, representing thirteen Washington taxpayers, filed a lawsuit seeking to force the institute to repay the funds it had received and block all future funds. The court ruled in favor of the Northwest Marriage Institute and dismissed the lawsuit.

### **ACLU and AUSCS Sue to Stop Support for Faith-Based Life Skills Program for Inmates**

*Moeller v. Bradford County*, No. 3:CV-05-0334, 2007 U.S. Dist. LEXIS 7965 (M.D. Penn. Feb. 5, 2007)

A faith-based program located in Bradford County that provided construction skills, life skills, and mentoring to incarcerated persons came under attack from an ACLU and AUSCS lawsuit that sought to stop support of the program.

### **New York State Bans Renting Buildings for Religious Services**

*Relevant Church v. Egan*, No. 7:07-00327 (N.D.N.Y. 2007)

Relevant Church requested to rent the Dulles State Office building for Easter services. New York State officials denied the request, claiming that renting

to a church would violate the “separation of church and state” and that state policy prohibited religious services in its buildings. After the church’s attorneys filed suit, officials reversed their decision and allowed the church to use the building. Officials also changed the state policy to allow religious services in state office buildings.

### **Town in New Jersey Bans Religious Use of Public Square**

*Care and Share Ministry v. Village of South Orange*, No. 2:07-00758 (D.N.J. 2007)  
Members of a South Orange, New Jersey, Christian ministry called “Care and Share” wanted to hold an event at a public square, where members would perform skits, live music, and puppet shows for local children. Village officials denied Care and Share access to the public square, saying only public or nonreligious private groups would be allowed to use the space. Though South Orange officials denied Care and Share’s request, they granted the request for use of public space by an organization known as “Road Devils, NJ.” The Road Devils event included public consumption of alcohol, live bands using vulgar language with electronic sound equipment, and female mannequins dressed only in underwear. After a lawsuit was filed, South Orange officials backed down and said they would not discriminate against a religious organization based on viewpoint.

### **Texas Town Attempts to Kick Student Ministry out of Its Property**

*Collegiate Community Outreach v. City of Denton*, No. 4:07-00564 (E.D. Tex. 2007)

Collegiate Community Outreach (CCO) is a religious ministry located in a residential area close to the University of North Texas campus. The City of Denton, Texas, told the ministry they could no longer operate out of their current property because they were in violation of zoning laws. After CCO filed a lawsuit, the city reversed its decision.

### **Town Forces Church to Meet Outside City Limits in Temporary Building Without Heat**

*Lighthouse Christian Center, Inc. v. City of Reading*, No. 06-1979, 2006 U.S. Dist. LEXIS 54988 (E.D. Penn. Jul. 26, 2006)

The Lighthouse Christian Center wanted to lease a building within Titusville’s C-1 commercial zone. However, the Titusville zoning code did not allow churches, but permitted theaters, clubs, lodges, bars, and amusements in its commercial districts. Lighthouse was forced outside the City of Titusville, where it rented a temporary building that lacked heat and insulation. After a lawsuit was filed, the city settled and agreed to amend the zoning code.

### **Religious Organizations Prohibited from Listing Staffing Requirements**

*Geneva College v. Chao*, No. 2:06-01663 (W.D. Penn. 2006)

Members of Geneva College and the Association of Faith-Based Organizations (AFBO) were denied access to post-employment opportunities because of a governmental “nondiscrimination policy” prohibiting the listing of religious staffing requirements. After a lawsuit was filed, the federal government and the Commonwealth of Pennsylvania conceded that the policy did not apply to Geneva College or AFBO’s members, and they are no longer prohibited from posting job listings.

### **National Day of Prayer Event Barred from City Hall Meeting Room**

*Barkey v. City of Idaho Springs, Colorado*, No. 1:06-01209 (D. Colo. 2006)

A coordinator for the National Day of Prayer and others planned to observe the event in a park area outside of Idaho Springs, Colorado’s city hall, but reserved the council’s meeting room in case of inclement weather. After rain forced the group inside on the day of the event, a city administrator informed them of a city policy barring use of the space for religious purposes. After a lawsuit was filed, city officials decided to close the city council chambers for general use by the public, and the city constructed a new room to be used by the public as a meeting room, including religious groups.

### **City in Texas Bans Religious Meetings in Homes But Permits Other Meetings**

*Grace Community Church v. City of McKinney*, No. 4:04-251 (E.D. Tex., filed Jul. 16, 2004)

The City of McKinney, Texas, had an ordinance that prohibited religious meetings in a home in a residential neighborhood. Grace Community Church was told by the City of McKinney that the church could no longer meet in a home despite equally sized, non-religious groups being allowed to do the same. A lawsuit was filed on behalf of the church, alleging a violation of the church’s right to meet in the pastor’s home under federal law. The court held in favor of the city and dismissed the plaintiff’s claim.

### **Tucson Denies Reimbursement Funds for Religious City Event**

*Gentala v. City of Tucson*, 325 F. Supp. 2d 1012 (D. Ariz. Nov. 7, 2003)

Patricia and Robert Gentala applied for reimbursement for coverage of city costs for a National Day of Prayer event. The city denied the funds, although it routinely offered funding to similar groups. The Gentalas sued, and a federal district judge ruled against the Gentalas. The Ninth Circuit en banc affirmed. Shortly after the final decision of the Ninth Circuit, the U.S. Supreme Court decided *Good News Club v. Milford Central School*, which held that it is a viola-

tion of the right to free speech to deny a group access to government facilities because the group was communicating a religious message. The Gentals filed a petition to the Supreme Court. The Supreme Court remanded the case to be reconsidered in light of the *Good News Club v. Milford Central School* ruling. Finally, in 2003, the federal district court ruled that Mr. Gentala could not be discriminated against because of the religious message of the event.

### **Town's Unwritten Policy Prohibits Religious Use of Community Center**

*Moore v. City of Van, Texas*, 238 F. Supp. 2d 837 (E.D. Tex. Jan. 7, 2003)

Van, Texas, had an unwritten policy prohibiting groups from using the Van Community Center if the use was for a religious purpose. Citizens wanting to use the center for religious purposes sued the city. A federal district court held that Van's policy was unconstitutional.

### **Maui Denies Small Church Permit to Build on Its Own Land**

*Hale O Kaula Church v. The Maui Planning Commission*, No. 01-00615, 2003 U.S. Dist. LEXIS 24510 (D. Haw. Jul. 18, 2003)

Hale O Kaula, a small congregation on Maui, applied for a building permit to construct a church on five acres of agricultural land it had purchased years earlier. Despite having granted similar permits to other secular and religious organizations, the Maui Planning Commission refused to allow Hale O Kaula to build. As a result, both the church and the Justice Department filed separate lawsuits on the grounds that the Religious Land Use and Institutionalized Persons Act (RLUIPA) had been violated. The county argued that RLUIPA was unconstitutional and attempted to have the cases dismissed. The court ruled in favor of Hale O Kaula, finally allowing the church to build.

### **Bernards Township, New Jersey, Blocks Mosque**

*United States v. Township of Bernards, New Jersey*, No. 3:16-cv-08700 (D.N.J., filed Nov. 22, 2016)

Bernards Township, New Jersey, refused to grant zoning approval for the construction of a mosque. The township had dragged out the application process over thirty-nine public hearings and three-and-a-half years. Many in the community used anti-Muslim rhetoric in opposing the mosque, including making comments about terrorism and the September 11 attacks. This is the first time the township has not granted approval for a house of worship. In response, the Department of Justice sued the township for violating the Religious Land Use and Institutionalized Persons Act.



### **Milburn, New Jersey, Neighborhood Sues to Kick Out Synagogue**

*Welch v. Chai Center for Living Judaism, Inc.*, No. 078269 (N.J., filed 2016)

The Chai Center for Living Judaism is an Orthodox Jewish synagogue in Milburn, New Jersey. Because the members of the Chai Center cannot drive on the Sabbath and are limited in how far they can walk, the synagogue needed to be located near where the members live. The Chai Center found a piece of property that suited its needs, but the property was subject to a residential-use restrictive covenant. For fifty years before the Chai Center purchased the property, however, it had been used as a dentist's office. Nevertheless, some neighbors sued the Chai Center, arguing that it was in violation of the previously-not-enforced residential use restriction. A New Jersey Appellate Division court agreed with the neighbors, but the Chai Center appealed to the New Jersey Supreme Court. First Liberty Institute filed a friend-of-the-court brief at the New Jersey Supreme Court that argued that enforcement of the restrictive covenant against the Chai Center would violate the Religious Land Use and Institutionalized Persons Act and would not be in the public interest.

### **Tennessee Mosque Forced to Pay Property Taxes for Structuring Loan According to Religious Beliefs**

<http://www.tennessean.com/story/news/religion/2016/09/20/nashville-mosque-sues-over-tax-exemption-denial/90714112/>

Because Islam prohibits the payment of interest, when the Islamic Center of Nashville built a new school building, it structured a banking agreement known as an *ijarah* under which it could pay for the construction without interest. Under the *ijarah*, however, the title for the Islamic center went to the bank until the final payment was made. Even though the bank held the title to the Islamic center, the center was still being used for nonprofit purposes. Nevertheless, the local government sought to collect taxes on the property used by the mosque once it learned that the title was held by the bank. The mosque is suing Tennessee, arguing that the application of Tennessee law to require property taxes from a mosque just because the mosque was following its religious beliefs violates the First Amendment to the U.S. Constitution and the Religious Land Use and Institutionalized Persons Act.

### **Massachusetts Subjects Churches to Anti-Discrimination Requirements**

<https://www.washingtonpost.com/news/volokh-conspiracy/wp/2016/09/08/massachusetts-churches-may-be-covered-by-transgender-discrimination-bans-as-to-secular-events/>

The Massachusetts Commission Against Discrimination's Gender Identity

Guidance stated that “[e]ven a church could be seen as a place of public accommodation if it holds a secular event, such as a spaghetti supper, that is open to the general public.” Under this guidance, a church that holds a religious objection to practices such as recognizing a transgendered person’s transition would be committing punishable discrimination.

### **Raleigh, North Carolina, Refuses to Permit Pregnancy Resource Center Near Abortion Clinic**

<http://www.wral.com/city-council-anti-abortion-group-can-t-move-next-to-raleigh-women-s-clinic/15940139/>

A ministry called “A Hand of Hope” operates the Your Choice Pregnancy Clinic, which provides free pregnancy services in Raleigh, North Carolina. A Hand of Hope wanted to move to a location near an abortion clinic, but the Raleigh City Council rejected the request, saying that the move was inconsistent with the city’s comprehensive development plan. A local Citizen Advisory Council and Raleigh’s Planning Commission had both already approved the move as consistent with the comprehensive plan. A Hand of Hope has filed suit against Raleigh under the Religious Land Use and Institutionalized Persons Act for violating the ministry’s religious land use rights.

### **AUSCS Protests Use of Community Preservation Grant to Preserve Historic Churches**

<https://www.bostonglobe.com/metro/regionals/west/2016/07/07/suit-challenges-use-community-preservation-act-funds-for-churches/V7LXYfu1xanMbRxZH82boJ/story.html>

The Community Preservation Committee of Acton, Massachusetts, approved the use of some of its community preservation funds to help restore two nineteenth-century churches located in historic districts. In response, Americans United for Separation of Church and State filed a lawsuit to stop the funds from being distributed. AUSCS claimed that preserving these historic buildings would violate Massachusetts’s Anti-Aid Amendment. Peter Berry, the chairman of the Acton Board of Selectmen, said that the grant, approved by the residents at a town meeting, “is about history not religion.”

### **Iowa Civil Rights Commission Attempts to Regulate Churches’ Speech and Conduct**

<http://www.foxnews.com/opinion/2016/07/05/iowa-some-churches-must-comply-with-transgender-bathroom-laws.html>

The Iowa Civil Rights Commission published a brochure that said that any churches open to the public—which would include most churches—were

places of public accommodation and subject to Iowa's Civil Rights Act. The brochure's interpretation would require churches to follow Iowa's sexual orientation and gender identity laws and would mean that they could not even teach their religious beliefs if those beliefs ran afoul of the Iowa Civil Rights Act. First Liberty Institute sent a letter to the Iowa Civil Rights Commission on behalf of Cornerstone World Outreach, a Sioux City church that feared the implications of the Civil Rights Commission's argument. After it received the letter, the Iowa Civil Rights Commission reversed itself and agreed that a church's religious activities are exempt from the Iowa Civil Rights Act.

### **Court Declares "Worship" Does Not Include Serving the Homeless**

<http://www.timesunion.com/local/article/Judge-tosses-zoning-decision-that-backed-Albany-6831516.php>

Bethany Reformed Church in Albany, New York, wanted to use its parsonage to help the homeless through a nonprofit organization called "Family Promise of the Capital Region." Bethany Reformed Church is located in a zoning region that permits "houses of worship." While Albany's Board of Zoning Appeals approved the use of the parsonage to provide services for the homeless, a New York state court held that serving the poor is not encompassed by the definition of "house of worship" and stopped the church from opening its parsonage to the homeless.

### **Lexington, Nebraska, Blocks Mosque from Expanding into Adjacent Laundromat**

<http://www.washingtontimes.com/news/2016/feb/10/nebraska-aclu-says-city-violating-muslims-religion/>

The downtown Islamic Center of Dawson County bought a laundromat in an adjacent building in order to expand into it. Lexington, Nebraska, however, refused to permit the mosque to expand into its newly-purchased laundromat and instead suggested that the mosque move out of the downtown area. While the city has suggested that parking concerns drove its decision to refuse the permit, the vast majority of the mosque's attendees walk to services. After the city filed a lawsuit against the Islamic Center of Dawson County, the lawsuit settled and the city agreed to permit the expansion.

### **California Forces Religious, Pro-Life Pregnancy Centers to Advertise Abortions**

<http://dailysignal.com/2016/02/11/new-california-forces-pro-life-pregnancy-centers-to-advertise-abortions/>

California passed the Reproductive FACT Act, which requires pro-life preg-

nancy centers, many of which are driven by a religious objection to abortion, to display notices advertising that “California has public programs that provide immediate free or low-cost access to ... abortion.” Several lawsuits have been filed challenging the Reproductive FACT Act, and several pro-life pregnancy centers have announced that advertising abortions violates their religious beliefs and they would either close or refuse to obey such a law.

### **Castle Rock, Minnesota, Bans Muslim Cemetery**

<http://www.farmingtonindependent.com/life/religion/3945067-judge-oks-muslim-cemetery-castle-rock-township>

The Muslim community in Minnesota needed a new cemetery since the two existing Muslim cemeteries were nearing capacity. The Al Maghfirah Cemetery Association purchased land in Castle Rock, Minnesota, to use as a cemetery, and the Castle Rock Planning Commission recommended permitting the cemetery. Despite this recommendation from the planning commission, the township board refused to permit the Muslim cemetery to be located on the property. The Al Maghfirah Cemetery Association filed a lawsuit. The judge held that the board’s denial of the permit was “arbitrary and capricious” and permitted the cemetery association to use their land.

### **Pantego, Texas, Denies Permits to an African-American Church and a Mosque**

<http://www.star-telegram.com/news/local/community/arlington/article53909020.html>

Pantego, Texas, denied permits to a mosque and to the Now Faith Deliverance Temple, a 75-member African-American church. Following the town’s denial of the church’s permit, the church was evicted two days before Christmas. Now Faith Deliverance Temple filed a lawsuit against Pantego, claiming that the town has a history of denying permits for religious uses to minorities.

### **Louisiana Parish Issues Citation to Pastor for Using Sound Amplification**

*Vintage Church of New Orleans, Inc. v. Jefferson Parish Sheriff’s Office*, No. 756-135 (La. 24th J.D.C. Div. B, filed Dec. 10, 2015)

Jefferson Parish, just outside of New Orleans, Louisiana, issued a citation to the associate pastor of Vintage Church because the church used sound amplification when the pastor preached and because the church exceeded a 60 dB sound limit—about the volume of a quiet conversation—when the church played music. While Jefferson Parish applied the 60 dB limit to Vintage Church, it exempted many other noise sources such as lawnmowers,

construction sounds, and demolition sounds—all of which could well exceed 60 dB. After First Liberty Institute got involved, the citations were dismissed.

### **FFRF Sues to Stop Historic Preservation Grants from Helping Churches**

*Freedom From Religion Foundation v. Morris County Board of Chosen Freeholders*, No. SOM-C-12089-15 (Sup. Ct. N.J., filed Dec. 1, 2015)

Morris County, New Jersey, began a program to provide historic preservation grants to restore and maintain the exteriors of historic buildings. The county used neutral criteria in awarding the grant—that is, the county did not favor or disfavor religious buildings. Consequently, some of the historic preservation grant money went to churches. The FFRF sued Morris County to stop the grants from going to any religious buildings. A New Jersey Superior Court found that neutral use of historic preservation funds is permissible, even if some of the funds assist churches.

### **Houston Attempts to Take Historic Churches' Private Property**

*Latter Day Deliverance Revival Church v. Hous. Hous. Auth.*, No. 01-15-00790-CV (Tex. Ct. App. Dec. 1, 2015)

The Houston Housing Authority threatened to use eminent domain to take the property of two historic churches that have been ministering to the Houston's Fifth Ward for over eighty years. The Latter Day Deliverance Center uses the land threatened by the city for ministry activities, such as setting up youth centers, food pantries, and providing educational assistance to the community. After Liberty Institute brought suit on behalf of the churches, the city dropped its threat to bulldoze one church and dismissed eminent domain proceedings against another.

### **Teacher Sues Christian School for Abiding by Its Faith-Based Standards**

*Richardson v. Nw. Christian Univ.*, No. 15CV20442 (Or. Ct. App. Aug. 4, 2015)

Northwest Christian University in Eugene, Oregon, terminated a teacher, Coty Richardson, for planning to have a child out of wedlock with her boyfriend of twelve years. School officials notified the teacher that the school expects teachers to be role models for the students, and her cohabitation and pregnancy out of wedlock are incompatible with the school's mission. In response, Richardson filed suit against the school.

### **ACLU Sues California County for Recognizing Christian Ministry**

*Lavagetto v. County of Calaveras*, No. 15-cv-40665 (Cal. Sup. Ct., filed Feb. 18, 2015)

Calaveras County in California passed a resolution honoring the work of the "Door of Hope," a Christian-operated pregnancy center. The ministry

is focused on “strengthening the lives of women and young women in Calaveras County by inviting them to test and see for themselves the many blessings that can come from living the teachings of Christ.” The American Civil Liberties Union (ACLU) filed suit, and the Calaveras County Board voted to repeal the resolution.

### **Neighbor Sues Small Jewish Congregation**

*Schneider v. Gothelf*, No. 429-04998-2013 (Tex. Dist. filed Dec. 17, 2013)

Congregation Toras Chaim is a small Orthodox Jewish congregation that meets in a home in the community where the congregants live so that they can walk on the Sabbath. David Schneider, a neighbor of the congregation, filed a lawsuit to stop the congregation from meeting in the home and demanded several thousand dollars from the congregation. Schneider did not file suit against non-Jewish businesses in the community. Schneider then took over the homeowners’ association in the community and brought the association into the lawsuit against the congregation, after several years of amicable relations between the congregation and the homeowners’ association. Liberty Institute represented Congregation Toras Chaim, and won a victory for the small congregation.

### **Town in New Jersey Restricts Orthodox Jewish Meetings in Home**

*554 Queen Anne Rd., Inc. v. Teaneck Bd. of Adjustment*, No. L-12194-10 (N.J. Super. Ct. Law Div. Aug. 26, 2013)

Etz Chaim of Teaneck, an Orthodox Jewish synagogue in Teaneck, New Jersey, hired Rabbi Daniel Feldman and gave him a house to live in. When Rabbi Feldman began conducting services in his living room, his neighbors protested, and the city required Rabbi Feldman to apply for zoning approval in order to continue the services. However, the Teaneck Board of Adjustment placed numerous conditions on the zoning approval, and the synagogue filed a lawsuit. A New Jersey court upheld all of the board’s restrictions.

### **YMCA Denied Religious Exemption to Property Tax Assessments**

*Larimer Cnty Bd. of Comm’ns v. Colo. Prop. Tax Adm’r*, 2013 Colo. App. LEXIS 507 (Colo. App. Apr. 11, 2013)

A Colorado state appellate court vacated an order from the Board of Assessment Appeals misapplying state law to deny the Young Men’s Christian Association (YMCA) a religious exemption to property tax assessments.

**Town in Maine Taxes Church Property More than Other Nonprofit Organizations' Property**

*Aldersgate United Methodist Church v. City of Rockland, Maine, et al.*, No. CV-12-020 (Super. Ct. Me., Mar. 20, 2013)

Aldersgate United Methodist Church in Rockland, Maine, filed suit against the city for taxing churches differently than it does other benevolent charities and nonprofit organizations. Rockland only allows churches to get tax exemptions for their main buildings and not for their parsonages or other buildings. Other nonprofit organizations, however, receive tax exemptions for all of their buildings. Following the lawsuit, the church was granted tax exemptions for all of its buildings.

**Catholic Business Sues for Protection from State Law Requiring Contraceptive Coverage**

*Yep v. Ill. Dep't of Ins.*, No. 2012 CH 5575 (Dupage Co. IL Cir. Ct., Jan. 15, 2013)

An Illinois state trial court issued a temporary restraining order protecting a Catholic-owned business from state law requiring contraceptive coverage in its health care plans to employees. The court held that the law imposes a substantial burden on the free exercise of religion.

**Marathon, Michigan, Denies Tax Exemption to Muslim Summer Camp**

*Camp Retreats Found., Inc. v. Township of Marathon*, 2012 WL 1698379 (Mich. App. May 15, 2012)

A Michigan tax tribunal found that a Muslim summer camp was not a charity or entitled to a tax exemption because the camp prohibited trespassing and the primary purpose of the camp was to be a place for sports and recreation for children. However, the Michigan state appellate court reversed the decision, finding that the camp's offering of sports and recreation did not nullify the fact that its main purpose was to provide Islamic children with a religious experience at the camp.

**City of Hartford Attempts to Block Jewish Group from Using Property**

*Chabad Chevre, LLC v. City of Hartford*, No. 106003847, 2011 Conn. Super. LEXIS 3204 (Conn. Super. Ct. Dec. 15, 2011)

The city of Hartford, Connecticut, attempted to prevent a Jewish group from using its own property for religious purposes. A Connecticut trial court reversed the city's zoning order, and the city decided not to appeal.

### **ACLU Challenges Proposed Amendment Reversing Ban on Religious Funding**

*Shapiro v. Browning*, No. 11-CA-1892 (Fl. Cir. Ct. Dec. 13, 2011)

A proposed Florida amendment that eliminates a ban on taxpayer money being used to fund religious organizations has been placed before voters. The ACLU challenged the ballot language, and the court held that the amendment was unconstitutional and could not be placed on the ballot.

### **Court Permits Lawsuit to Determine Whether Pastor Was Fired**

*Errgong-Weider v. United Congregational Church of Norwalk*, 2011 WL 5842378 (Super. Ct. Conn. Oct. 25, 2011)

The Superior Court of Connecticut denied a motion to dismiss a lawsuit brought by a pastor against the church that attempted to fire him by vote of its members. The court held that it was proper for it to determine if the pastor was effectively terminated by the vote according to corporation laws. The court held that the church's own constitution and bylaws will be taken into consideration in making the decision.

### **Michigan Zoning Board Blocks Religious Organization**

*Great Lakes Society v. Georgetown Charter Township*, 2011 WL 1600496 (Mich. Ct. App. Apr. 28, 2011)

A religious organization's application for a special use permit required for churches was denied by the city zoning board because the proposed building was to serve people in the community and was not for public worship. The board then amended its street-frontage requirements to specifications that the religious organization's property did not meet, and then denied the organization's request for variance. The Michigan court rejected Religious Land Use and Institutionalized Persons Act (RLUIPA) and constitutional challenges and upheld the zoning board's denial.

### **Mosque Denied Use of Residence as Place of Worship**

*Islamic Cultural Ctr. of Monticello, Inc. v. Village of Monticello*, 29 Misc.3d 1223 (A) (NY Sup. Ct. Nov. 17, 2010)

The New York Supreme Court in Sullivan County found that there was no Religious Land Use and Institutionalized Persons Act (RLUIPA) violation in denying a permit for a mosque to use a single-family house as a place of worship. The mosque bought the house and a lot across the street from the house to use as a place of worship, even though the property was zoned for residential purposes. The city took several years to process the special use permit submitted by the mosque, but eventually denied the permit. The



court denied the RLUIPA claims brought by the mosque because there was no evidence that the mosque was being treated differently from any other religious institution.

### **Anti-Religious Group Sues to Block Contracts with Faith-Based Halfway Houses**

*Council for Secular Humanism, Inc. v. McNeil*, 44 So. 3d 112 (Fla. Dist. Ct. App. 1st Dist., Apr. 27, 2010)

The Council for Secular Humanism sued the state of Florida and two faith-based halfway houses that provided reintegration assistance to recently released prisoners. The Council for Secular Humanism challenged the state's contracts with the two halfway houses, asserting that any payment to the halfway houses constituted payment to a church. The trial court found for the state. The case has been appealed.

### **Christian School in Los Angeles Shut Down Pending Permit**

*County of Los Angeles v. Sahag-Mesrob Armenian Christian School*, 188 Cal. App.4th 851 (Cal. App. 2010)

Los Angeles insisted that Sahag-Mesrob Armenian Christian School obtain a special use permit in order to operate. The city refused to allow the school to operate while it was waiting for the permit application to be processed. The school filed suit under the Religious Land Use and Institutionalized Persons Act (RLUIPA), but the appellate court ruled in favor of the city, holding that the refusal to let the school operate while the permit was pending was not a substantial burden on the school.

### **ACLU Sues to Stop Arizona's Tuition Scholarship Program**

*Green v. Garriott*, 212 P.3d 96 (Ariz. App. Mar. 12, 2009)

The ACLU and others filed suit to declare Arizona's corporate tax credit tuition program unconstitutional because it allowed tuition scholarships to be used at private religious schools. The lawsuit, an attempt to discriminate against religious schools rather than grant them equal treatment, was dismissed by the court.

### **City of Sinton Bans Ministry to Misdemeanor Offenders**

*Barr v. City of Sinton*, 295 S.W.3d 287 (Tex. 2009)

Pastor Barr's Christian organization, which provides housing and religious instruction to men who have been released from prison for misdemeanor offenses, was completely banned by the City of Sinton, Texas, from existing anywhere within its city limits. In a landmark decision, the Texas Supreme

Court applied the Texas Religious Freedoms Restoration Act to rule in favor of Barr.

### **City's Planning and Zoning Commission Attempts to Keep Out Buddhist Temple**

*Cambodian Buddhist Society of Connecticut, Inc. v. Planning and Zoning Commission of the Town of Newtown*, 941 A.2d 868 (Conn. 2008)

Pong Me and the Cambodian Buddhist Society of Connecticut purchased property in the city of Newtown, Connecticut, on which it planned to build a Buddhist temple. The city's Planning and Zoning Commission denied them a building permit, arguing that the Asian architecture, potential noise, and possible high volume of cars near the temple would disrupt the harmony of the surrounding neighborhood. Using the Religious Land Use and Institutionalized Persons Act and a Connecticut religious freedom law, the society took the city to court. In 2008, the Connecticut Supreme Court ruled in favor of the city, banning the society from building its temple.

### **Texas Demands State Approval of Religious Curricula at Seminaries**

*HEB Ministries, Inc. v. Texas Higher Education Coordinating Board*, 235 S.W.3d 627 (Tex. 2007)

Texas passed a law forcing all seminaries to get state approval of their curriculum, board members, and professors. Tyndale Seminary was fined \$173,000 by the state for using the word "seminary" and issuing theological degrees without government approval. A suit had to be filed to prohibit the government's attempts to control religious training. Both the district court and the court of appeals upheld the law. Finally, after nine years of suffering and losses, the Texas Supreme Court reversed and held that the law violated the First Amendment and the Texas Constitution.

### **Tax Exemption for Teachers at Nonreligious Schools Extended to All Teachers**

*Anchorage Baptist Temple v. Coonrod*, 166 P.3d 29 (Alaska 2007)

The Alaska Superior Court ruled that teachers of parochial schools could continue to receive tax exemptions. Teachers at nonreligious schools had already received tax exemptions before the legislature extended the privilege to religious schoolteachers.

### **Woman Sues Church, Pastor, and Elders for Using Church Discipline**

*Westbrook v. Penley*, 231 S.W.3d 389 (Tex. 2007)

A member of a church had an unbiblical relationship and desired to divorce her husband without a biblical reason. She refused to repent of her sin, and

the church, through its church disciplinary process according to the book of Matthew, sent a letter to the congregation informing them of the member's lack of repentance and the unacceptability of her behavior. She sued the church, the elders, and the pastor, dragging secular courts into an internal church matter. The state Supreme Court unanimously held for the church.

### **Church Member Sues Church to Stop Church Discipline**

*Doe v. Watermark Community Church*, No. 05-06-00763-CV, 2006 Tex. App. LEXIS 10362 (Tex. App.—Dallas 2006)

A judge prohibited Watermark Community Church in Dallas, Texas, from engaging in religious speech in following Jesus' words in Matthew 18. The church was sued by a member who sought to stop the church disciplinary process. A restraining order was issued against the church, prohibiting the leaders from speaking about sin and from following the Matthew 18 model of restoring a member to the body of Christ. The restraining order was ultimately reversed and the case dismissed on appeal.

### **Parishioner Sues Church for Expressing Its Religious Beliefs About Her Actions**

*Kliebenstein v. Iowa Conference of the United Methodist Church*, 663 N.W.2d 404 (Iowa 2003)

A parishioner at Shell Rock United Methodist Church sued her church for referring to her divisive actions as acting within "the Spirit of Satan." The Iowa Supreme Court's decision to allow such a suit violated the First Amendment rights of the church to speak about behavior from a biblical perspective.

### **Court Denies Church Right to Exclude Trespassers**

*Church of Christ in Hollywood v. The Superior Court of Los Angeles County*, 121 Cal. Rptr. 2d 810 (Cal. App. 2002)

Former church member Lady Cage-Barile began to intimidate and harass members of the church and interrupt and disrupt Bible studies, so the church informed her she was no longer welcome on church property. When the church sought an order barring Cage-Barile, the court denied it, and the church was forced to go to the California Court of Appeals to enforce its right to exclude trespassers from church premises.

### **Catholic Hospital Allows Sterilization After ACLU Threatens to Sue**

<http://www.nationalreview.com/corner/catholic-hospital-sterilization-acu-lawsuit-threat-ian-tuttle>

The American Civil Liberties Union (ACLU) on behalf of Rachel Miller threatened to sue a Dignity Health Catholic hospital in Redding, California. The

hospital initially refused to allow a doctor to conduct a sterilization procedure in its facilities because Catholic doctrine teaches that voluntary sterilization is gravely immoral. After the ACLU threatened to sue, the hospital allowed the procedure to go forward.

### **Door County, Wisconsin, Bans Church from Displaying Cross at Easter Service Following Letter from FFRF**

<http://www.greenbaypressgazette.com/story/news/local/door-co/news/2015/06/05/group-objects-cross-washington-island-park/28554453/>

For decades, the Bethel Evangelical Free Church in Door County, Wisconsin, held an outdoor Easter service at a county park. For the service, the church erected a white wooden cross. When the Freedom From Religion Foundation (FFRF) learned that the church displayed the cross, they sent a letter to the county demanding that the county prohibit the display. The county, in response to the letter, told Bethel Evangelical Free Church that they may no longer display a cross during their outdoor Easter service.

### **La Grange, Illinois, Attempts to Require Permit for Churches' Outdoor Activities**

<http://www.chicagotribune.com/suburbs/la-grange/news/ct-dlg-church-permit-tl-0618-20150610-story.html>

La Grange, Illinois, proposed a zoning change that would require churches to receive a special use permit to engage in any outdoor activities, including things like scouting groups, that are not deemed “part of the congregation’s mission.” Community pastors challenged the zoning ordinance, noting that churches, not the city, know better what is and what is not part of a church’s mission.

### **FFRF Intimidates Florida Town to Cancel Soccer Event Because of Church's Participation**

<https://ffrf.org/news/news-releases/item/23182-ffrf-breaks-up-church-city-partnership>

Casselberry, Florida, had planned to partner with a local church to hold a “Friday Fun Day” soccer event. The town cancelled the event, however, after receiving a letter from the Freedom From Religion Foundation (FFRF) objecting to the town’s working with a church. FFRF complained that someone from the church might share a religious message during the event.

**FFRF Forced County Commission to Rescind Their \$3,000 Grant to Ministry**

<http://ffrf.org/news/news-releases/item/21751-ala-commission-rescinds-3-000-faith-grant-to-baptist-ministry>

An Alabama county commission approved a grant to a Christian men's ministry at Covington Baptist Association whose purpose was "to get more men to church." The county quickly received a complaint from Freedom From Religion Foundation, warning them against government support to their chosen ministry. The Alabama commission was forced to rescind their \$3,000 grant to the ministry.

**FFRF Attacks "Ark Encounter" Theme Park**

<https://ffrf.org/news/news-releases/item/21800-ffrf-urges-irs-to-investigate-noahs-ark-theme-park>

The Freedom From Religion Foundation is demanding that the IRS investigate the tax-exempt status of two nonprofit organizations that own and operate a Noah's Ark-themed park being built in Williamstown, Kentucky.

**Freedom From Religion Foundation Blocked in Attempt to Ban Parsonage Exemption**

<http://www.jsonline.com/blogs/news/282602101.html>

The Internal Revenue Service permits tax-free housing to ministers, an exemption known as the "parsonage exemption." This exemption was created to avoid unfair treatment of ministers whose churches do not own their own parsonage and to recognize that a minister often works from home. The Freedom From Religion Foundation (FFRF) filed a lawsuit to have the parsonage exemption declared unconstitutional. The U.S. Circuit Court of Appeals for the Seventh Circuit held that FFRF lacked the kind of concrete harm needed to challenge the parsonage exemption.

**Government Questions Tax-Exempt Status of Schools That Support Traditional Marriage**

<https://www.lifesitenews.com/opinion/how-the-federal-government-may-put-christian-schools-out-of-business>

During oral arguments in *Obergefell v. Hodges*, the U.S. Solicitor General indicated that religious schools that believe in traditional marriage may lose their tax-exempt status. Responding to a question from Justice Alito, Solicitor General Donald Verrilli stated that the tax-exempt status of such religious schools "is going to be an issue."

### **ACLU Sues Christian Child-Care Facility**

<http://www.springfieldnewsun.com/news/news/crime-law/mom-says-she-was-fired-for-pregnancy/nWZ3H/>

Inside Out, a Christian child-care facility in Ohio, settled claims that it fired an employee who is a single mother after she told them she was pregnant. However, Inside Out President William Stout denied the organization discriminated against pregnant workers and said she was not fired; instead she quit her job in “good terms.” Inside Out does have policies of conduct based on Biblical principles, including prohibiting “sexual relations outside the covenant of marriage,” but “we do not discriminate against people for being pregnant,” Stout said.

### **City in California Bans Church from Feeding Homeless**

<http://finance.yahoo.com/news/harbor-missionary-church-files-emergency-191118521.html>

For six years, Harbor Missionary Church has provided clothing, food, showers, counseling, and other support to thousands of homeless residents of the City of Ventura, California, through “Operation Embrace.” Harbor Missionary Church extended compassion and love toward the homeless persons who sought shelter on church property, and regarded this practice as a central tenet of the church’s beliefs. Unexpectedly, city officials in Ventura demanded the church obtain a condition use permit, in addition to its church permit, to continue its ministry. When the church applied, the city denied its request. After denying the church a permit to continue its ministry, police and code-enforcement officers arrived without warning and searched the church to ensure that it was no longer ministering to and feeding the homeless. Harbor Missionary Church filed a lawsuit in federal district court alleging that the permit denial violated the church’s right to free exercise of religion under the First Amendment and under the Religious Land Use and Institutionalized Persons Act (RLUIPA). After several appeals and failed mediation, the dispute between the city of Ventura and Harbor Missionary Church is ongoing, but the church is requesting an emergency injunction so it can reopen “Operation Embrace” until a final decision is reached in its broader federal religious freedom case.

### **Upper Arlington, Ohio, Bans Christian School from Office Building**

<http://www.thisweeknews.com/content/stories/upperarlington/news/2015/04/30/sixth-circuit-hears-tree-of-life-appeal.html>

Tree of Life Christian School purchased a 15.8 acre office building in Upper Arlington, Ohio, to serve between 500 and 900 students and employ approxi-

mately 100 persons. Upper Arlington, however, has so far refused to allow the school to meet in the office building, citing the city's zoning ordinance. A religious liberties organization filed a lawsuit challenging Upper Arlington's use of its zoning ordinance under the Religious Land Use and Institutionalized Persons Act. While Tree of Life Christian Schools lost at the district court, the school has appealed to the U.S. Court of Appeals for the Sixth Circuit.

### **ACLU Sues Department of Health and Human Services to Force Catholic Relief Agencies to Refer for Abortions**

<http://townhall.com/columnists/robertknight/2015/04/14/aclu-to-catholics-give-abortion-to-immigrant-children-n1984725>

The American Civil Liberties Union (ACLU) filed a lawsuit against the U.S. Department of Health and Human Services as part of an effort to force Roman Catholic relief agencies to refer immigrants for abortions and contraceptives, in violation of Catholic religious beliefs.

### **Auburn, New York, Declares Church's Music Camp Not Part of Church's Mission**

[http://blog.libertyinstitute.org/2015/04/victory-city-of-auburn-drops-cease-and\\_24.html](http://blog.libertyinstitute.org/2015/04/victory-city-of-auburn-drops-cease-and_24.html)

First Presbyterian Church in Auburn, New York, hosted a summer music camp as an outreach to children in the community. Auburn, New York, however, ordered the church not to hold the camp, stating that the music camp was not part of the church's mission. First Liberty Institute represented the church against the city's demands, noting that the city's ban violated the First Amendment and the federal Religious Land Use and Institutionalized Persons Act. The city withdrew its order against the church and permitted the church to host its camp.

### **Catholic Diocese Forced to Pay Almost \$2 Million After Firing Teacher for Immoral Conduct**

[http://dailysignal.com/2014/12/29/former-catholic-school-teacher-fired-violating-catholic-teaching-awarded-1-95-million-mostly-hurt-feelings/?utm\\_source=twitter&utm\\_medium=social](http://dailysignal.com/2014/12/29/former-catholic-school-teacher-fired-violating-catholic-teaching-awarded-1-95-million-mostly-hurt-feelings/?utm_source=twitter&utm_medium=social)

Roman Catholic religious doctrine rejects in vitro fertilization (IVF) treatments as sinful. Emily Herx, a junior high school teacher at St. Vincent de Paul School in Fort Wayne, Indiana—part of the Catholic Diocese of Fort Wayne-South Bend—underwent IVF treatment. Because of Herx's IVF treatment, her teaching contract was not renewed. Herx sued the diocese, arguing that her termination was sex discrimination because male employees who received

vasectomies—also prohibited by Catholic doctrine—were not terminated. Herx was awarded almost \$2 million.

### **Maryland County Reduces Fees on Churches Only in Exchange for “Green” Ministries and Sermons on Environmentalism**

[https://www.washingtonpost.com/local/md-politics/churches-receive-stormwater-fee-discounts-by-starting-green-ministries-sermons/2014/11/16/7bbb94e4-6914-11e4-b053-65cea7903f2e\\_story.html](https://www.washingtonpost.com/local/md-politics/churches-receive-stormwater-fee-discounts-by-starting-green-ministries-sermons/2014/11/16/7bbb94e4-6914-11e4-b053-65cea7903f2e_story.html)

Maryland applies a “stormwater remediation fee” to all property owners, including churches. Prince George’s County, however, will reduce those fees on churches if the churches will agree to preach environmentally focused sermons and start “green” ministries.

### **Houston Mayor Annise Parker Subpoenas Pastors’ Sermons**

<http://www.foxnews.com/opinion/2014/10/14/city-houston-demands-pastors-turn-over-sermons.html>

Annise Parker, Houston’s first openly lesbian mayor, subpoenaed all sermons that dealt with homosexuality, gender identity, or Annise Parker from five area pastors. Following an outcry over the subpoenas, Mayor Parker withdrew the subpoenas.

### **Fairfax County Attacks Right to Assemble for Religious Study**

<http://washingtonexaminer.com/virginia-county-takes-aim-at-home-bible-studies-freedom-of-assembly/article/2548301>

Lawmakers in Fairfax County, Virginia, drafted an ordinance that would limit the number of persons one could have in a home. The ordinance prohibits a person from having more than forty-nine persons in a home and from having forty persons meet more than three times every forty days. The ordinance specifically listed religious groups as one of the targets of the law.

### **Preachers Arrested for Preaching in a Train Station**

<http://www.alliancealert.org/2014/05/15/evangelist-jailed-after-preaching-the-gospel-at-public-train-station-found-not-guilty/>

<http://christiannews.net/2013/02/23/evangelists-arrested-for-preaching-at-nj-train-station-still-facing-jail-time-as-trial-continues/>

Preachers Robert Parker and Don Karns were arrested by two police officers for preaching in the Princeton Train Station. The preachers spent three hours in jail for preaching at the train station where they had been preaching for five years. They were both acquitted.



### **City Orders Church to Stop Serving the Homeless**

<http://www.courthousenews.com/2014/05/19/67971.htm>

<http://religionclause.blogspot.com/2014/05/rluipa-suit-challenges-citys-refusal-to.html>

<http://www.scribd.com/doc/225626795/Harbor-Church-v-Buenaventura-Complaint>

Harbor Missionary Church sued the City of Ventura after the city told them to stop serving the homeless in the city's downtown. The church owns downtown property which it uses to provide childcare services, meals, clothes, and showers. The Stanford Law School Religious Liberty Clinic is representing the church.

### **Crisis Pregnancy Centers Under Attack for Christian ideals**

[http://www.centerforinquiry.net/opp/news/center\\_for\\_inquiry\\_urges\\_ohio\\_lawmakers\\_to\\_drop\\_resolution\\_honoring\\_crisis/](http://www.centerforinquiry.net/opp/news/center_for_inquiry_urges_ohio_lawmakers_to_drop_resolution_honoring_crisis/)

Center for Inquiry (Cfi) wrote a letter to the members of Ohio House Committee on Health and Aging in protest of a resolution that would recognize the work of pregnancy resource centers. Cfi believes that pregnancy resource centers advance narrow Christian values.

### **News Website Removes Church's Advertisement**

<http://townhall.com/columnists/toddstarnes/2014/04/18/why-did-a-news-outlet-cancel-this-churchs-easter-ad-n1826297>

The Journey Church (TJC) in New York paid Capital New York (CNY), a New York City news organization, to run an advertisement campaign for TJC's Easter Sunday services. Only days before Easter weekend, CNY told the church that it was implementing a new company-wide policy prohibiting the running of any religious-affiliated campaigns and cancelled the church's advertisements. When members from TJC began to investigate, CNY reversed its decision and reinstituted the campaign.

### **Homeless Ministry Halted by City Ordinance**

<http://townhall.com/columnists/toddstarnes/2014/04/28/is-hud-threatened-by-a-christian-groups-plan-to-expand-its-mission-n1830556>

City Gospel Mission (CGM) provided food and shelter to the homeless population of Cincinnati for over 80 years. After CGM began moving its growing ministry to a new building, the insurance company reported that the building was subject to the Fair Housing Act, which prohibited CGM from choosing to whom it could provide shelter. Although Cincinnati officials agreed to

waive the restriction, the Federal Department of Housing and Development refused to do so, putting CGM's expansion on indefinite hold.

### **Pastor's Homeless Feeding Ministry Shut Down**

<http://www.christianpost.com/buzzvine/alabama-pastor-barred-from-feeding-the-homeless-without-pricey-food-truck-permit-video-117827/>

Rick Wood, pastor at the Lord's House of Prayer in Oneonta, Alabama, handed hot dogs and water bottles from his truck to homeless individuals in the community. One day, police stopped Pastor Wood for operating a food truck without a permit. Pastor Wood vowed to continue his ministry, but the cost of a permit could put him out of business.

### **Church Ordered to Remove Patriotic Billboard**

<http://sacramento.cbslocal.com/2013/12/28/nevada-county-church-ordered-to-remove-support-our-troops-sign/>

When Simple Truth Church (STC) covered an old billboard with a new sign that contained an American flag and the message, "Support Our Troops," the officials of Nevada County, California, ordered STC to remove the sign. Even though the previous sign stood for twenty years without issue, the officials claimed that STC needed a permit to make any changes to the billboard.

### **Church Battles for Legal Building Permits**

<http://www.libertyinstitute.org/pages/issues/in-the-church/light-of-the-world-church>

When Light of the World Gospel Ministries in Nebraska needed to expand its facilities, it purchased lots surrounding its existing church. However, the church met opposition as it sought various permits to make use of its new property. Assisted by Liberty Institute, Light of the World Church convinced the village board to approve its final building permit in January 2014.

### **Church Nativity Scene Stolen**

<http://bringmethenews.com/2013/12/11/nativity-scene-figurines-stolen-from-st-joseph-church-returned-anonymously/>

Vandals stole multiple pieces from the Nativity scene that the Church of St. Joseph in St. Joseph, Minnesota, erected annually during the Christmas season. The pieces were put back after the pastor made a public plea for their return.

### **Group Demands a Halt to Proposed Funding for Christian Organization**

<https://www.au.org/blogs/wall-of-separation/win-for-the-wall-au-letter-convinces-county-officials-in-washington-state>

Pierce County Council in the state of Washington proposed a budget that would give \$7,000 to Child Evangelism Fellowship (CEF), a Christian ministry that runs after-school programs for children. Americans United for Separation of Church and State discovered the proposal and threatened the County with litigation unless CEF was removed from the budget. The county complied and struck CEF's funding.

### **City Attempts to Block Women's Ministry**

<http://aclj.org/long-awaited-victory-christian-womens-ministry>

Candlehouse Teen Challenge, a Christian ministry to women battling addictions, approached the town of Vestal, New York, about its intention to purchase land for its facilities. Town officials initially agreed to the proposed use, but denied Candlehouse's applications after local residents opposed the ministry's plans. Candlehouse refused to stand for the discrimination and reached out to a religious liberties group for assistance. After a five-year battle that culminated in a federal jury trial, the court ruled in favor of Candlehouse and authorized the ministry's establishment.

### **Homeless Feeding Ministry Threatened with Closure**

<http://www.newsreview.com/chico/food-handout-in-jeopardy/content?oid=12029958>

[http://www.chicoer.com/news/ci\\_24560672/orchard-church-feedings-continue-chico-move-near-city](http://www.chicoer.com/news/ci_24560672/orchard-church-feedings-continue-chico-move-near-city)

For more than five years, Orchard Church, located in Chico, California, regularly supplied pizza to homeless individuals at the Chico City Plaza. One day, authorities informed the church that they would either need to cease their ministry entirely or apply for a permit to continue. With the help of a religious liberties organization, the church sought and was granted a permit. However, opposition from local business owners caused the church to agree to relocate the ministry from the plaza to the Chico Municipal Center.

### **Christian Ministry Workers Threatened with Jail Time for Serving Local Homeless and Elderly**

<http://blog.libertyinstitute.org/2013/11/pennsylvania-christian-ministry.html>

For over five years, Isaiah 61 Ministries, a well-established, nonprofit Christian ministry in Harrisburg, Pennsylvania, served their local community by providing weekly meals, toiletries, clothing, and other forms of assistance to

homeless men and women, as well as to the poor and elderly. Then, without warning, the Dauphin County Commissioners threatened to arrest ministry workers and volunteers if they continued their ministry on county property. Liberty Institute stepped in and sent a demand letter to the Dauphin County officials informing them of their unconstitutional conduct and requesting that the workers be permitted to continue their acts of Christian charity on public property.

### **Pro-Life Group Prohibited from Participating in Annual Christmas Parade**

[http://www.mlive.com/news/grand-rapids/index.ssf/2013/11/right\\_to\\_life\\_refused\\_entry\\_in.html](http://www.mlive.com/news/grand-rapids/index.ssf/2013/11/right_to_life_refused_entry_in.html)

Right to Life, a pro-life advocacy group from Grand Rapids, Michigan, applied to participate in the city's annual Art Van Santa Parade. The group's float featured children in Santa hats and a smaller banner that read, "Life: A Precious Gift." The city rejected the group's application on the grounds that their float was "not neutral," even though the exact same float was approved the year before.

### **Local Residents Attempt to Block Repairs to Historic Church**

<http://mvgazette.com/news/2013/11/25/judge-denies-injunction-block-use-cpa-money-church?k=vq53457a2ab97cc&r=1>

Several residents in Oak Bluffs, Massachusetts, filed a lawsuit in an attempt to prohibit the city from restoring the stained glass windows in Trinity Methodist Church, a historic local parish. A superior court judge rejected the plaintiffs' allegations that the city's restorations were an unconstitutional endorsement of religion and permitted the repairs.

### **City Counsel Attempts to Block Christian Homeless Shelter**

<http://www.adfmedia.org/News/PRDetail/8653>

Lighthouse Rescue Mission in Hattiesburg, Mississippi, applied for a zoning amendment to allow overnight shelter for women and children in its newly purchased building. Citing zoning ordinances, the city counsel rejected the application. However, Lighthouse filed a lawsuit against the illegal zoning regulations, and the city agreed to settle the case and grant Lighthouse all of its requests.

### **Maryland Church Denied Utilities for New Building**

<http://www.gazette.net/article/20130916/NEWS/130919403/1124/montgomery-county-pays-125-million-to-settle-with-church&template=gazette>

Bethel World Outreach Ministries wanted to build an 800-seat church in Montgomery County's agricultural preserve, but the county denied the

church's water and sewage permits. Bethel sued the county, and the county settled with Bethel by agreeing to pay \$1.25 million in exchange for Bethel's selection of different property.

**Homeless Ministry Told to Choose Between Jesus and Government Funding**

<http://www.foxnews.com/opinion/2013/09/09/usda-tells-christian-charity-to-kick-jesus-to-curb/?test=latestnews>

For over thirty years, the Christian Service Center (CSC) in Lake City, Florida, supplied Bibles, prayer, and food to the homeless. However, during a contract renegotiation with the USDA, a government representative informed CSC that they would no longer receive government food unless they took down all religious décor, discontinued Bible distribution, and ended prayers. CSC refused to change their ministry and consequently was not able to renew their contract for USDA assistance.

**Man Sues Church for Noise from Church Bells**

<http://www.providencejournal.com/breaking-news/content/20130903-narragansett-man-sues-catholic-episcopal-churches-over-bell-ringing-video.ece>

Narragansett, Rhode Island, resident John Davaney sued St. Thomas More Catholic Parish because he claimed that the church's bells chimed too often, prohibiting him from quietly enjoying his property and ruining his marriage.

**City Police Threaten to Arrest Church Group for Feeding the Homeless**

<http://www.lovewinsministries.org/2013/08/feeding-homeless-apparently-illegal-in-raleigh-nc/>

For six years, Love Wins Ministries (LWM) conducted a feeding program for the homeless every weekend outside of a city park in Raleigh, North Carolina. One morning, Raleigh police arrived and, without explanation, commanded the ministry members to disband or be arrested. After complying with police orders, LWM engaged in a fight with the Raleigh Police Department and City Council to resolve the situation. Following several months of negotiation coupled with enormous public pressure, the city finally agreed to provide LWM with a warehouse to continue their ministry to the homeless.

**Church Defaced With Satanic Symbols**

<http://www.wtop.com/120/3411879/Hail-Satan-sprayed-in-Latin-on-century-old-Va-church>

A century-old church in Danville, Virginia, was spray-painted with satanic symbols and the Latin phrase for "Hail Satan." Local authorities took the vandalism under investigation.

### **ACLU Threatens Oklahoma City for Leasing Facilities from a Church to Use as a Wellness Center**

<http://blog.libertyinstitute.org/2013/08/liberty-institute-commends-oklahoma.html>

Oklahoma City decided to provide health and wellness centers for active seniors in the city. The centers would be operated by the nonreligious, non-profit Healthy Living, Inc. The city decided that the best location for one of these centers would be in property owned by the Putnam City Baptist Church. The ACLU, however, sent Oklahoma City a threatening letter opposing the city's purchase or lease of property from the church. Attorneys from Liberty Institute reviewed the ACLU's letter and informed the city that not only were the ACLU's claims unfounded but that rejecting the property solely because it was owned by a church would constitute impermissible hostility to religion.

### **Sidewalk Sunday School Banned from Public Park**

<http://www.adfmedia.org/News/PRDetail/8315>

Voices of Mercy Outreach Ministries obtained permission to use a public park for its Sidewalk Sunday School ministry, but was subsequently banned from the park after being notified by the Recreation and Park Commission for the Parish of East Baton Rouge that the ministry had violated a policy prohibiting the religious use of parks operated by the commission, even though at least one other religious group was permitted to use the park. The dispute was settled, and the commission agreed to amend its policies and allow the group to meet at the park.

### **Atheist Group Tries to Deny Christian Ministry Equal Access to Public Services**

<http://www.lc.org/index.cfm?PID=14102&AlertID=1592>

North Miami loans a sound truck, event staff, and other public property to nonprofit organizations. Following its neutral policy, North Miami will loan the equipment regardless of whether the organization is religious. Mission Miami, a religious nonprofit organization, planned a National Day of Prayer event and sought to borrow the equipment from North Miami. Shortly thereafter, a city councilman and the Freedom From Religions Foundation pressured the council to reverse its decision and exclude Mission Miami from the nonprofit services. The North Miami City Council rejected the calls for religious discrimination and reapproved Mission Miami's right to participate in neutral city services.

### **Virginia Denies Equal Treatment to Sikhs and Criminalizes Marriages by Unlicensed Ministers**

<http://www.aclu.org/religion-belief/fairfax-judge-strikes-down-law-licenses-perform-marriages>

A Virginia law prohibited unordained ministers from officiating marriages unless they pay a \$500 fee. Sikhism is a nonhierarchical religion without ordained clergy. Under the Virginia state law, marriages cannot be legally performed under a Sikh minister without the additional fine. A judge ruled that both of these requirements are unconstitutional because applicants were treated differently based on whether or not their religions had ordained ministers. A Virginia appellate court held that this statute violated the Equal Protection Clause of the U.S. Constitution. In addition, the statute made it a criminal offense for a minister not licensed by the state to use the word “marriage” in a religious ceremony, in violation of the Free Exercise Clause of the U.S. Constitution.

### **Atheist Group Threatens Lawsuit to Coerce YMCA to Facilitate Promotion of Atheist Beliefs**

<http://christiannews.net/2013/02/07/humanist-group-threatens-to-sue-ymca-chapter-for-refusing-to-provide-booth-space-at-spring-festival/>

The Summerville, South Carolina, Young Men’s Christian Association (YMCA) hosts a spring festival. In accordance with its historic mission to promote Christian discipleship, the YMCA rejected an application from a local atheist organization, opposed to the YMCA’s mission, to have a booth at the YMCA’s festival. The American Humanist Association threatened lawsuits, heavy fines, and jail time if the YMCA did not allow an organization dedicated to promoting atheism at the spring festival.

### **California City Agrees to Settlement After Blocking Construction of Islamic Worship Center**

<http://www.justice.gov/opa/pr/2013/February/13-tax-147.html>

An Islamic Center in Lomita, California, applied for a permit to replace its existing buildings with one worship center. The city unanimously denied the permit, citing traffic concerns, even though a traffic study concluded that the construction would improve traffic flow in the area. The Department of Justice filed a lawsuit against Lomita for substantially burdening religious rights to worship. The city agreed to a settlement in which it will expedite a new application for the Islamic Center, train its employees about religious discrimination, and periodically report to the Justice Department.

### **Massachusetts Governor Takes Aim at Parsonage Exemption**

<http://religionclause.blogspot.com/2013/02/mass-governors-income-tax-proposal.html>

Massachusetts Governor Deval Patrick published his 2014 tax plan, which includes a proposal to eliminate the historic parsonage exemption. Under this exemption, clergy of all faiths are able to receive tax-exempt housing allowances.

### **County Delays Permitting Church to Build Cross on Its Property**

<http://www.lc.org/index.cfm?PID=14100&PRID=1285>

Lutheran Church of the Cross of Porte Charlotte, Florida, attempted for six years to erect a sixty foot cross on its eleven-acre property. Charlotte County prevented the cross from being erected by misclassifying it as a sign instead of a structure or art work, which meant the cross was too tall to meet the criteria for signs. Before making its erroneous classification, the county expressed concern about how the church's cross, on the church's private property, might be perceived by non-Christians. After a law firm stepped in to defend the church, the county reclassified the cross and issued a permit for its construction.

### **ACLU & Los Angeles Times Advocate Against Religious Exemptions**

<http://www.latimes.com/news/opinion/editorials/la-ed-enda-employment-non-discrimination-act-20130502,0,2410499.story>

<http://www.aclu.org/lgbt-rights/employment-non-discrimination-act-statement>

The *Los Angeles Times* Editorial Board advocated for a significantly reduced religious exemption to a federal nondiscrimination bill for self-identified transgendered persons and individuals in same-sex relationships. The editorial suggested that all religious organizations other than houses of worship should be forced to employ transgendered persons and individuals in same-sex relationships, citing the ACLU for the idea that protecting religious educational institutions or ministries would be unacceptable. The *Los Angeles Times* and ACLU are conspicuously silent about the need to protect closely-held and family-owned businesses operating according to religious mission statements.

### **FEMA Denies Disaster Relief to Churches Devastated by Superstorm Sandy**

<http://www.breitbart.com/Big-Government/2013/03/21/Bill-To-Provide-Sandy-Relief-To-Houses-of-Worship-Stalled-in-Senate>

[http://www.huffingtonpost.com/2013/02/13/sandy-aid\\_n\\_2679410.html](http://www.huffingtonpost.com/2013/02/13/sandy-aid_n_2679410.html)

Superstorm Sandy, the second-costliest storm in U.S. history, devastat-



ed communities throughout the Northeast. Among the ruins were many churches and houses of worship. Federal funds were allocated to help the communities rebuild, but FEMA refused to allow any funds to be used to repair houses of worship. In response, the U.S. House of Representatives voted overwhelmingly to end FEMA's religious discrimination. Following opposition from the ACLU, Americans United for Separation of Church and State, and *The New York Times*, the bill stalled in the Senate, and the churches have been denied any assistance.

### **Man Plans to Murder Family Research Council Employees Because of the FRC's Stance on Homosexuality**

[http://www.huffingtonpost.com/2013/04/22/family-research-council-shooter-sentence\\_n\\_3132634.html](http://www.huffingtonpost.com/2013/04/22/family-research-council-shooter-sentence_n_3132634.html)

A man planned to mass murder the employees of four religious organizations and then smear Chick-fil-A sandwiches on the employees' faces because of their opposition to same-sex "marriage." After shooting the security guard at the Family Research Council, however, the man was subdued.

### **Christian Pastor Pressured to Withdraw from Inaugural Benediction for Preaching Christian Sexual Ethics**

[http://usnews.nbcnews.com/\\_news/2013/01/10/16449097-pastor-nixed-from-obama-inaugural-over-anti-gay-remarks](http://usnews.nbcnews.com/_news/2013/01/10/16449097-pastor-nixed-from-obama-inaugural-over-anti-gay-remarks)

On January 9, 2013, President Obama announced that Louie Giglio would give the inaugural benediction. That same day, Thinkprogress.org dug up a twenty-year-old sermon Mr. Giglio gave on homosexuality, in which he communicated his traditional Christian belief that homosexuality is a sin. Mr. Giglio withdrew from giving the inaugural benediction 48 hours later due to the fervent outcry from pro-homosexual groups, citing his concern that these groups would use the inauguration to advance their political agendas. President Obama's Inaugural Committee issued a statement approving of Mr. Giglio's departure because his beliefs did not reflect the President's vision of an inclusive America.

### **Riverside County Bans Churches from Locating in Wine Country**

<http://www.faith-freedom.com/news/preliminary-victory-for-calvary-chapel-bible-fellowship/>

<http://www.opposingviews.com/i/religion/wine-country-vintners-church-we-dont-want-your-kind-out-here>

Since 1999, Riverside County, California, has banned churches from locating in the Temecula Wine Country. When the pastor of the only existing church

in Temecula Wine Country spoke with some of the vintners in the region, he was told, “We don’t want your kind out here.” Following the threat of litigation, the county began considering amendments to its zoning regulations to allow houses of worship into the wine country.

### **Court Stops Construction of Tennessee Mosque Despite City Approval**

<http://www.wsmv.com/story/18646518/murfreesboro-mosque-stopped-by-judge>

The Murfreesboro Islamic Center was within three months of completion when a chancellor court ruled that not enough public notice was given before the zoning commission approved construction. The Plaintiffs have been fighting the mosque’s construction, fearing that it is a “sharia compliant” organization. The county has the option of reapproving the building as long as it gives proper notice of the public meeting. As of now, the mosque has not been reapproved.

### **IRS Asked to Investigate Church Due to Alleged Political Statements in Sermons**

[http://www.au.org/files/pdf\\_documents/2012-05-hager-hills.pdf](http://www.au.org/files/pdf_documents/2012-05-hager-hills.pdf)

On May 21, 2012, Americans United for Separation of Church and State wrote to the IRS contending that the pastor of Hager Hill Freewill Baptist Church violated federal tax law by intervening in an election where he told his congregation that “he wants to see President Barack Obama removed from office.” The pastor made this statement while discussing the President’s comments affirming his policy backing same-sex “marriage,” a policy antithetical to the church’s religious belief on the biblical conception of marriage.

### **Evangelist Prohibited from Distributing Religious Tracts at Cheese Festival**

<http://religionclause.blogspot.com/2012/05/suit-challenges-limits-on-evangelists.html>

Police stopped an evangelist from passing out religious tracts at the Sorrento Cheese Italian Heritage Festival in Buffalo, New York, even though members of other organizations such as the Air Force and schools were allowed to pass out pamphlets. The evangelist sued, seeking an injunction allowing him to pass out his tracts as well as for costs and nominal damages. In the suit, he claimed the actions of the city violated due process and his First Amendment rights.

**City Settles with a Buddhist Center for \$900,000 After Denying Permit to Build a Temple**

<http://religionclause.blogspot.com/2012/05/california-city-settles-rluipa-suit.html>

The Walnut, California, Planning Commission denied a Buddhist Zen Center's application for a conditional use permit to build a temple in 2008. After the Buddhist Zen Center and the Department of Justice filed a suit under the Religious Land Use and Institutionalized Persons Act (RLUIPA), the city settled with the Department of Justice and the center for \$900,000.

**ACLU Attempts to Force County to Discriminate Against Religious Festival**

<http://www.wdtv.com/wdtv.cfm?func=view&section=Fox-10&item=Prosecutor-Commission-Legal-Funding-Jesus-Fest269>

The ACLU attempted to force Harrison County, West Virginia, to discriminate against a religious festival in its grant distribution. The County Prosecuting Attorney refused to discriminate, noting that the grant funding process was neutral towards religion.

**Pittsfield Township Denies Michigan Islamic Academy's Application for Rezoning**

<http://www.annarbor.com/news/director-of-american-islamic-council-calls-pittsfields-rationale-against-islamic-school-neo-jim-crow/>

The Pittsfield Township Board of Trustees denied the Michigan Islamic Academy's application for rezoning, which would have allowed the academy to build a new school on property it purchased. The academy claimed it received assurances from the township prior to purchasing the land that they would be able to rezone as long as they followed the procedures for rezoning. The academy claims violations of the Religious Land Use and Institutionalized Persons Act (RLUIPA) and the First and Fourteenth Amendments.

**Gettysburg, Pennsylvania, Declares Civil War Chapel to be an "Eyesore" Weeks After Awarding It the City's Beautification Award**

*United States Christian Commission v. Gettysburg*

John Wega built a reconstruction chapel like those used by the U.S. Christian Commission during the Civil War. Mere weeks after being presented with Gettysburg's beautification award, the reconstruction Civil War chapel was declared an eyesore by the borough. Gettysburg attempted to force the chapel out of the town's square. Once it became apparent that the chapel had a legal right to remain, arsonists set fire to the chapel's Bibles, burning

down the chapel and several nearby structures. Wega is now working to rebuild the chapel.

### **Minnesota Church Settles RLUIPA Case for \$500,000 and Land**

<http://www.startribune.com/local/west/136353248.html> (Dec. 28, 2011)

The city of Wayzata, Minnesota, and the Unitarian Universalist Church of Minnetonka agreed to settle a RLUIPA case brought against the city by the church. The city dropped the zoning issues and sold the church three acres of land on which to build a new building and also agreed to pay \$500,000 in damages and fees. The church claimed religious discrimination in the suit, while the city merely said that they were worried about the noise the church would create.

### **Illinois Severs Ties with Catholic Charities over Adoption to Homosexuals**

[http://articles.chicagotribune.com/2011-11-15/news/ct-met-catholic-charities-foster-care-20111115\\_1\\_civil-unions-act-catholic-charities-religious-freedom-protection](http://articles.chicagotribune.com/2011-11-15/news/ct-met-catholic-charities-foster-care-20111115_1_civil-unions-act-catholic-charities-religious-freedom-protection)

The state of Illinois ended its historic relationship with Catholic Charities, which was the first organization to inspire child welfare services in that state, because the organization would not adopt children to homosexual couples. Adopting to homosexual couples would violate well-established Roman Catholic Church doctrine. Although Catholic Charities was willing to refer homosexual couples to other adoption agencies, the state refused to accommodate them. Ironically, this religious-based discrimination is in response to the Religious Freedom Protection and Civil Unions Act. The Act, when combined with state antidiscrimination laws, requires homosexual civil unions to be treated like marriages, but only provides protection to religious clergy who decline to officiate a civil union. Two-thousand children will now have to transition to new agencies.

### **Indiana Civil Rights Commission Brings Full Force of State Power Against Small Religious Association**

<http://www.christiannewswire.com/news/1227913200.html>

The Indiana Civil Rights Commission (ICRC) asserted authority over a group of nine homeschool families that had formed an organization to provide religious-based social interaction for their children. A discrimination claim was filed with the ICRC when one of the families requested a special diet for its child to avoid allergy concerns and the organization determined it would be safer if the child's family prepared the meal. ICRC asserted jurisdiction to investigate and penalize the small, religious association—an organization

without any employees, offering no goods, services, or public accommodations, powered by volunteers and donations. The conflict has forced the group to temporarily disband pending a final resolution and has exhausted its small repository of donations.

### **Dallas Central Appraisal District Denies Tax Exemption to Church that Meets Outside**

<http://www.libertyinstitute.org/video/romanian-orthodox-church-dallas/>

A group of Romanian immigrants saved their money to buy a plot of land to worship on and to eventually—once they could afford it—build a church on. The Romanian Orthodox congregation met on the property one Sunday each month for a worship service. The Dallas Central Appraisal District, however, began taxing the property, asserting that the land was not being used for religious purposes because there was no church structure built on the land.

### **Interfaith Retreat Center Prevails After Initial Zoning Discrimination**

[https://www.rutherford.org/publications\\_resources/tri\\_in\\_the\\_news/southwest\\_virginia\\_county\\_relents\\_approves\\_permit\\_for\\_interfaith\\_spiritual](https://www.rutherford.org/publications_resources/tri_in_the_news/southwest_virginia_county_relents_approves_permit_for_interfaith_spiritual)

An interfaith retreat center in Grayson County, Virginia, was denied a special use permit for its property. The leader believed the denial was due to discrimination against the center's philosophy. After the center filed a complaint with a state court, the Grayson County Board of Supervisors granted the center's permit request.

### **Mormon Church Sues Texas City over Denial of Permit**

<http://religionclause.blogspot.com/2011/11/mormon-church-sues-texas-city-to.html>

A Mormon church in Mission, Texas, sued the city over its refusal to issue a permit for the church to construct a new building. The church claims that the city purposefully changed the voting rules for issuing permits so that the church would not receive a permit. The church filed the suit under RLUIPA, the Texas Religious Freedom Restoration Act, and the free exercise and due process clauses of the Constitution.

### **California Museum Permits Pro-Evolution Documentary but Stops Pro-Intelligent Design Documentary**

[http://www.evolutionnews.org/2011/08/california\\_science\\_center\\_pays050081.html](http://www.evolutionnews.org/2011/08/california_science_center_pays050081.html)

The California Science Center cancelled a showing of a documentary that supported Intelligent Design theory. The following week, however, the museum showed a documentary supporting evolutionary theory. A lawsuit alleging

religious discrimination was filed, and the California Science Center agreed to pay \$110,000 in damages in the settlement of the suit.

### **Idaho City Discriminates Against Churches in Zoning Laws**

<http://www.kboi2.com/news/local/123491194.html>

The city of Mountain Hope, Idaho, specifically singled out religious groups for exclusion in its zoning law. No Limits Christian Ministries brought suit under the Religious Land Use and Institutionalized Persons Act. The city responded by modifying its zoning ordinance to treat churches fairly.

### **City Forced to End Zoning Discrimination Against Religious Organization**

<http://www.justice.gov/usao/nys/pressreleases/May11/airmontsettlementpr.pdf>

The Village of Airmont, New York, denied a permit to a religious organization to build a Jewish educational facility. The U.S. Attorney's Office settled a lawsuit with the village to amend its zoning code and to end its discrimination against the group.

### **Library Prohibits Christian Author from Holding Book Discussion**

<http://ilenevickministriestn.blogspot.com/2011/01/whats-it-going-to-take-in-us-christians.html>

Ilene Vick, author of *Personality Based Evangelism*, filed suit against Putnam County after the library refused to let her use the library's room to lead a discussion on her book. In the suit that followed, the judge ordered the library to never again refuse access to its facility to a Christian.

### **Church Brings RLUIPA Suit in Illinois**

<http://religionclause.blogspot.com/2010/12/hispanic-congregation-sues-illinois.html>

The Rios de Agua Viva church filed a lawsuit under the Religious Land Use and Institutionalized Persons Act (RLUIPA) against Burbank, Illinois, for requiring it to file for a special use permit to use a restaurant as a meeting place. The church alleges that other, nonreligious institutions do not have to apply for the special permits.

### **County Admits in Settlement It Targeted Church with Legislation**

<http://thedailyrecord.com/2010/11/18/anne-arundel-county-to-pay-325m-to-riverdale-baptist/>

Anne Arundel County, Maryland, agreed to a settlement with the Riverdale Baptist Church in which the county would allow the church to build a school and pay \$3.25 million in damages. The RLUIPA litigation started in 2008 when the county passed legislation targeting the church's proposed construction

of a new school after initially approving the school's zoning application. In the settlement, the county admitted that it purposely timed the litigation so that it would not affect other private schools.

### **Michigan Church Wins RLUIPA Settlement**

<http://www.dailytribune.com/article/20101102/NEWS/311029991/church-asks-court-to-strike-down-hazel-park-zoning-law>

The Salvation Temple in Hazel Park, Michigan, settled a lawsuit it filed against the city for not allowing it to move into a building zoned for commerce or industry. The restriction on the church was prohibitive because there were no other properties available that could house the church. In the settlement, the city allowed the church to move into a vacant commercial building.

### **Group Challenges the Nonprofit Status of a Christian Ministry for Opposing Same-Sex "Marriage"**

<http://religionclause.blogspot.com/2010/10/au-asks-irs-to-investigate-church.html>

Americans United for Separation of Church and State wrote a letter to the IRS claiming a Christian organization in Sioux City, Iowa, was in violation of its nonprofit status. The organization, Cornerstone World Outreach, campaigned to local churches and asked them to preach against same-sex "marriage" in the weeks leading up to Iowa's Supreme Court elections so that people would vote against the justices that legalized same-sex "marriage."

### **Libraries Censor Religious Discussion**

<http://americanlibrariesmagazine.org/news/02172010/florida-man-sues-two-libraries-religious-discrimination>

<http://www.wnd.com/2010/08/191129/>

Several public libraries across the county have banned the discussion of religious books and the holding of religious seminars in their facilities.

### **Dallas Prohibits Church from Hosting a Christian School in Its Building**

*Eric Nicholson, "Council Says 'No' to Coram Deo; Liberty Institute Lawyer Claims Violation of Federal Law," Preston Hollow People, available at <http://www.prestonhollowpeople.com/2010/06/23/council-says-no-to-coram-deo-liberty-institute-lawyer-claims-violation-of-federal-law/> (Jun. 23, 2010)*

Dallas, Texas, prohibited Hillcrest Church from hosting a Christian school, Coram Deo Academy, in its building, citing traffic concerns. The school, however, was already housed on the same street, just down the block from the church.

### **Arizona Town Prohibits Home Churches or Bible Studies in Single-Family Neighborhoods**

<http://www.azcentral.com/community/chandler/articles/2010/03/15/20100315religion-ban-private-homes-gilbert.html>

An Arizona town ordered the Oasis of Truth Church to end its services in its pastor's home because its city zoning code made it illegal to hold church-sponsored activities in single-family homes. After an appeal was filed and the media began to focus on the issue, the town reversed its decision and modified its zoning laws to permit Bible studies and small worship services in single-family neighborhoods.

### **Federal Agency Backtracks After Barring Religious Worship in Public Housing Complex**

<http://www.dallasnews.com/news/community-news/dallas/headlines/20100305-Church-services-are-back-on-at-5879.ece>

After initially barring religious worship services in public housing facilities due to Establishment Clause concerns, the Dallas Housing Authority (DHA) reversed its decision. A DHA spokesman explained that the incident was caused by a misinterpretation of federal guidelines.

### **Los Angeles Bars Evangelism on Sidewalks Near Courthouses**

<http://www.adfmedia.org/News/PRDetail/3731>

<http://oldsite.alliancedefensefund.org/userdocs/MianoComplaint.pdf>

The City of Los Angeles prohibited anyone from approaching another person about education and counseling, among other things, within 100 feet of courthouse doors, unless the other person consents. This was interpreted as making it illegal for an evangelist to peacefully share the Gospel to willing members of the public who passed by on sidewalks next to the unused emergency exits of a courthouse.

### **Richmond Changes Ordinance to Protect Religious Speech**

[http://www2.timesdispatch.com/news/2010/feb/05/suit05\\_20100204-223008-ar-11567/](http://www2.timesdispatch.com/news/2010/feb/05/suit05_20100204-223008-ar-11567/)

Two street evangelists were confronted six different times by Richmond, Virginia, police who wanted them to end their public preaching. Some of the officers threatened the preachers with invented violations. After the evangelists sought legal assistance to protect their free speech rights, the Richmond City Council recognized the problems in its law and proposed a new noise ordinance to end its unconstitutional discrimination against religious speech.



### **Church Zoning Application Revoked in New Jersey**

[http://www.northjersey.com/news/bergen/87635227\\_Property\\_owner\\_\\_Ridgefield\\_Park\\_at\\_odds\\_over\\_building\\_s\\_use.html?c=y&page=1](http://www.northjersey.com/news/bergen/87635227_Property_owner__Ridgefield_Park_at_odds_over_building_s_use.html?c=y&page=1)

After approving a zoning variance to house a church in the back of a two-story Dunkin Donuts / Baskin Robbins building, a New Jersey town rescinded its approval. The property owner said that there was no concrete reason for the denial.

### **Religious Group Forced to Limit Expansion**

[http://www.northjersey.com/news/crime\\_courts/031210\\_Settlement\\_between\\_Englewood\\_synagogue\\_neighborhood\\_group\\_limits\\_outdoor\\_events\\_indoor\\_expansion\\_.html?c=y&page=1](http://www.northjersey.com/news/crime_courts/031210_Settlement_between_Englewood_synagogue_neighborhood_group_limits_outdoor_events_indoor_expansion_.html?c=y&page=1)

After nearly a decade of legal disputes, a New Jersey town settled with a community group over a synagogue and the synagogue's plans to expand existing facilities and use tents for events on its property. The settlement allowed the synagogue to expand and use tents, but set restrictions on when and how tents can be used and prohibited future expansion for six years.

### **ACLU Opposed Connecticut Town's Allowing Salvation Army to Collect Funds at Festival**

<http://religionclause.blogspot.com/2009/12/group-complains-about-citys-favoritism.html>

Meriden, Connecticut, hosts the Festival of Silver Lights every year, which is a large attraction. In 2009, the ACLU complained because Meriden gave the Salvation Army the exclusive right to collect funds at the festival. The ACLU claimed that this showed that the city favored a religious institution. The funds, however, only went towards the charity's social services.

### **Texas City Stops Church's Plans for a Halfway House**

<http://www.kwtx.com/home/headlines/59321097.html?site=full>

The city of Bellmead, Texas, denied the Church of the Open Door a zoning permit to build a halfway house. After the church began working on opening the halfway house, the city passed a provision prohibiting the construction of halfway houses within a thousand feet of any home, school, or park. The parties settled the lawsuit when the city agreed to pay the church \$550,000.

### **San Diego Refuses to Grant Permit to Church Because of Community Plan**

<http://www.utsandiego.com/news/2009/Apr/25/rancho-bernardo-grace-church-gets-right-to-stay/>

Grace Church of North County applied to San Diego for a ten-year permit to use space in Rancho Bernardo industrial park. The city refused to grant the

permit because including the church in the industrial park was inconsistent with the community plan. The church sued the city under the Religious Land Use and Institutionalized Persons Act (RLUIPA). San Diego agreed to pay \$950,000 in damages.

### **City in Florida Uses Zoning Ordinance to Block Outreach Center**

*[http://articles.sun-sentinel.com/2009-04-28/news/0904270567\\_1\\_chabad-posner-city-s-insurer](http://articles.sun-sentinel.com/2009-04-28/news/0904270567_1_chabad-posner-city-s-insurer)*

Cooper City, Florida, refused to let Chabad Rabbi Shemul Posner open his outreach center because of zoning restrictions. Eventually, the Rabbi had to move the outreach center in order for it to be opened. In the suit that followed, a jury awarded the Rabbi \$325,750 in damages on a RLUIPA claim and \$470,000 in attorney's fees.

### **City in Pennsylvania Denies Church Permission to Use Park for the National Day of Prayer**

*Norwin Star, "Church to Use Park for Prayer Day," available at <http://aclj.org/aclj/the-norwin-star-monroeville-pa---church-to-use-park-for-prayer-day> (Apr. 24, 2008)*

Members of the Suburban Community Church in Monroeville, Pennsylvania, requested permission to use a public park for the National Day of Prayer, but were denied access. The church sought legal assistance, which sent a demand letter to the borough explaining the constitutional rights of the church to use the park. The letter asked for a statement in writing that the church would be allowed to use the park. Following receipt of the letter, the borough's council met and voted unanimously to allow the church to use the park.

### **Pennsylvania Borough Denies Church Permission to Use Park for the National Day of Prayer**

*Patti Dobranski, "Religious Freedom Bolstered in Irwin," Pittsburgh Tribune-Review, available at <http://aclj.org/aclj/tribune-review-pittsburgh-pa---religious-freedom-bolstered-in-irwin> (Apr. 15, 2008)*

The Borough of Westmoreland, Pennsylvania, denied Suburban Community Church permission to use a public park for a National Day of Prayer event. The borough stated that they would not allow the park to be reserved for religious purposes. After receiving a demand letter, one of the borough's council members denied that the borough prohibited the church from reserving the park. After being notified that the council's prohibition was recorded on tape, the borough's council unanimously approved the church's request to use the park.

### **City of Plano Bans Church from Reserving Council Chambers Unless It Includes Other Faiths**

*Free Market Foundation, "Free Market Sues City of Plano for Preventing Pastor from using Council Chambers on National Day of Prayer," available at <http://freemarketblog.wordpress.com/2008/03/14/free-market-sues-city-of-plano-for-preventing-pastor-from-using-council-chambers-on-national-day-of-prayer/> (Mar. 14, 2008)*

The City of Plano prohibited an all-Christian alliance from renting its facilities for the National Day of Prayer, insisting that other faiths be required to share the space as a condition for use.

### **City in Texas Uses Zoning Ordinance to Delay Church**

*Elizabeth Langton, "Texas: Duncanville church says city zoning decision violates U.S. law," Dallas Morning News (Feb. 8, 2008)*

The City of Duncanville, Texas, was using zoning laws to discriminate against Templo Bautista to deny the congregation the ability to hold services. After purchasing a building in the downtown area, the church was told a special use permit would be required in order to begin using the building for services. Templo Bautista applied for the permit, paid the necessary fees but was still denied use of the building because one landowner was opposed to the church's location. After multiple hearings at the city council, the church was finally allowed to occupy the building and to hold church services.

### **NFL Threatens Churches Showing the Super Bowl on Big Screens**

*Jacqueline L. Salmon, "NFL Pulls Plug On Big-Screen Church Parties For Super Bowl," Washington Post, available at <http://www.washingtonpost.com/wp-dyn/content/article/2008/01/31/AR2008013103958.html> (Feb. 1, 2008)*

The NFL demanded that Fall Creek Baptist Church in Indianapolis, Indiana, cancel its advertised Super Bowl party. In addition to objecting to the church's use of the words "Super Bowl" in promotions, the league objected to use of any screen larger than fifty-five inches and disliked the church's plans to show a video highlighting the Christian testimonies of Colts coach Tony Dungy and Chicago Bears coach Lovie Smith.

### **Tax Assessor Refused Parsonage Exemption For Parsonage Not Adjacent to Church**

*Liberty Counsel, "Church Challenges Constitutionality of Property Tax Assessment," available at <http://www.lc.org/index.cfm?PID=14100&PRID=564> (Apr. 13, 2007)*

A Bay County's property appraiser, Rick Barnett, developed a new standard for determining whether to grant tax exemptions to church property. Barnett was

the only Florida property appraiser to refuse to exempt church parsonages that are not adjacent to houses of worship. Barnett denied Faith Christian Family Church's application for a tax exemption on its parsonage and assessed property taxes on the property. The church was forced to file a lawsuit.

### **Full Gospel Powerhouse Church of God in Christ Denied Tax Exemption After Building Burns**

<http://www.wnd.com/2006/08/37571/>

An African-American church bought a church building that subsequently burned down. The tax appraisal district denied them a tax exemption because they could no longer meet on the property for services and assessed back taxes for non-use because of the fire. There were other churches, however, with open land not being used that were granted exempt status. The church was forced to file a lawsuit to protect its very existence.

### **Florida Town Revokes Permit for Orthodox Jewish Synagogue**

*Liberty Counsel, "City of Hollywood, Florida, To Pay \$2 Million To Synagogue for Zoning Discrimination," available at <http://www.lc.org/index.cfm?PID=14100&PRID=77> (Jun. 30, 2006)*

An Orthodox Jewish Synagogue moved into two houses and started remodeling the houses into a synagogue, angering neighbors. A zoning board granted the synagogue a permit, but just fifty-three days later, the city commissioners voted to revoke the special permit, citing zoning issues. A lawsuit was filed and the case was eventually settled, with the city agreeing to rewrite their codes.

### **Biblical Museum and Theme Park Struggle for Tax Exemption**

*Liberty Counsel, "Holy Land Experience Wins Final Round of Property Tax Exemption Battle," available at <http://www.lc.org/index.cfm?PID=14100&PRID=73> (Jun. 16, 2006)*

The Holy Land Experience is a living biblical museum that conveys its religious message through teaching, preaching, dramatic enactments, special music, performances, and multimedia presentations. After almost four years of litigation, the Orange County Circuit Court issued an order stating the property on which The Holy Land Experience sits is exempt from ad valorem taxation. Despite this ruling, the county property appraiser continued to refuse to recognize The Holy Land Experience as tax-exempt. The museum was eventually forced to file for contempt of court for this blatant violation of a court order.

### **County in Virginia Bans Church Service from Barn**

*Liberty Counsel, "Virginia County Bucking Against Cowboy Church," available at <http://www.lc.org/index.cfm?PID=14100&PRID=61> (May 10, 2006)*

A private landowner agreed to allow The Cowboy Church of Virginia to conduct services on his property in Bedford County, Virginia. After a few months, the landowner received a Notice of Violation, stating that his barn could not be used for religious services and that his property wasn't zoned for religious meetings.

### **City in California Denies Church Permit Because Officials Believe the Church to be a Cult**

*[https://www.rutherford.org/publications\\_resources/on\\_the\\_front\\_lines/pr537](https://www.rutherford.org/publications_resources/on_the_front_lines/pr537)*

The Church of the Light bought some land in Ontario, California, after determining that the property was zoned so that it could be used for religious assembly. However, the city passed an ordinance requiring new churches to obtain a permit before building, and five days after the ordinance was passed, Ontario's Development Advisory Board denied the church's permit, claiming the denial was based on allegations that the church was a cult. A lawsuit was filed to protect the church's rights to build their church.

### **City Limits Church's Land Use to Keep Out Large Churches**

*Iglesia de Oracion y Alabanza v. City of Mesquite*

A Pentecostal church in Mesquite, Texas, was told by the city that it could only use one acre of its ten-acre lot to build its church because the city did not want any big churches in the area.

### **Church Prevented from Meeting Because of Lot Size**

*Plano Vietnamese Baptist Church v. City of Plano*

A Vietnamese Baptist church in Plano, Texas, was told by the city that it could not use a former church building it had purchased for a house of worship because the lot on which the church building was located was not two acres or more in size. The church appealed the city's decision to the district court, which permitted the church to use the building.

### **Ohio Library Prohibits Christian Group from Meeting to Discuss Traditional Marriage Unless Advocates of Homosexual Marriage Also Present**

*<http://www.lc.org/index.cfm?PID=14102&AlertID=461&printpage=y>*

A Christian group requested access to a community room in the Newton Falls Library in Youngstown, Ohio, for a meeting about the biblical perspective of traditional marriage. The library director denied the request because the library's policy required that any time a "controversial subject" was discussed,

the opposing viewpoint must also be presented. The policy was revised only after a lawsuit was filed.

### **Town in Texas Overrides Its Own Expert to Block Church**

*Templo La Fe v. City of Balch Springs*

The city council of Balch Springs, Texas, prevented Templo La Fe from building a church on its own land. The city's experts on the Planning and Zoning Commission voted unanimously to approve the building, but four city council members decided to override their own experts. The church was forced to file a lawsuit, and only after the Department of Justice opened an investigation did the city settle the lawsuit and allowed the church to proceed with its plan to build.

### **Churches Banned from Renting School Facilities in Peabody, Massachusetts**

*American Center for Law and Justice, "Peabody, MA Clearing Way for Religious Organizations to Use Facilities," available at <http://aclj.org/aclj/aclj-reaches-agreement-with-city-of-peabody-ma-clearing-way-for-religious-organizations-to-use-facilities> (Feb. 7, 2005)*

Beverly Church of the Nazarene and the Living Hope Church of the Nazarene sued the city of Peabody, Massachusetts, for not renewing a contract to use public school facilities for religious services. School officials told the churches that they could no longer use the school because doing so was a violation of the "separation of church and state." The city and the churches settled, allowing the churches to continue using the facilities.

### **Washington Town Censors Announcement Posted on a Public Board Regarding Showing of the Jesus Film**

*Liberty Counsel, "City of Aberdeen Backs Down From Censoring an Announcement on a Public Reader Board Regarding the Private Showing of the Jesus Film," available at <http://www.lc.org/index.cfm?PID=14100&PRID=395> (Jan. 5, 2005)*

Child Evangelism Fellowship of Pacific Harbors, Washington, inquired about posting an announcement on a public reader board about a public showing of the Jesus film. The organization was told that because of the "separation of church and state," the city could not permit the word "Jesus" to be posted on the board. After receiving an attorney's letter pointing out the unconstitutionality of this policy, the city allowed the posting.

### **City in Texas Discriminates Against Church's Roof Design**

The City of Plano, Texas, attempted to prevent the WillowCreek Fellowship Church from opening because of the slant of the church's roof, even though no ordinance existed relating to the angle of the roof and despite the fact

that the roof of a school down the street from the church had an identical angle. Only after threat of a lawsuit under RLUIPA did the city relent and permit the church to open.

**Indiana Town Prohibits Distribution of Religious Literature in Public Parks**

*Rutherford Institute, "Rutherford Institute Attorneys File Suit Against Lebanon City Parks Officials For Banning Distribution of Religious Literature," available at [https://www.rutherford.org/publications\\_resources/on\\_the\\_front\\_lines/pr421](https://www.rutherford.org/publications_resources/on_the_front_lines/pr421) (Apr. 28, 2003)*

A minister and a church member from Grace Baptist Church were prohibited from distributing religious literature in a public park in Lebanon, Indiana, though the minister had distributed materials in the park for years. A lawsuit was filed to protect the minister's rights.

**School District Evicts Church in the Middle of the Church's Lease**

*ReligiousTolerance.org, "Rental of Public School & Library Facilities by Religious Groups," available at [http://www.religioustolerance.org/ps\\_pra7.htm](http://www.religioustolerance.org/ps_pra7.htm) (Mar. 15, 2003)*

Reunion Church leased an empty high school on Sunday mornings for services, but the Dallas I.S.D. evicted the church in the middle of the lease, claiming that renting their facilities to a church violates school board policy. Reunion Church filed a lawsuit challenging their eviction, and the school district reversed its decision.

**Organization Banned from Using Library for Meeting About American History and the Ten Commandments**

*Beverly Goldberg, "Christian-Rights Group Sues over Nixed Library Meeting," American Libraries Magazine, available at <http://americanlibrariesmagazine.org/news/01202003/christian-rights-group-sues-over-nixed-library-meeting> (Jan. 20, 2003)*

Liberty Counsel, a Christian civil rights legal defense organization, was denied access to the Dunedin Public Library near Tampa, Florida. Liberty Counsel wanted to use a community meeting room for a meeting relating to America's Christian History and the influence of the Ten Commandments. After Liberty Counsel sued, the Dunedin Public Library changed its policy to settle the lawsuit.

### **School Ordered to Stop Leasing Space to Church**

*Alliance Defense Fund, "Pennsylvania township changes position, agrees to allow churches to rent school facilities," available at <http://www.alliancedefensefund.org/Home/ADFContent?cid=4148>*

Quakertown Community School District officials were informed by a zoning officer to stop leasing space to Harvest Community Fellowship Church because the church was using space at the school to hold a Sunday church service. The church's use qualified as "principal use" of the facilities, even though the church only used the facilities for a few hours on Sundays. Under the unmodified zoning code, only one principal use can be made of a property without obtaining a variance. The church had to seek help from attorneys to correspond with the township officials until they agreed to amend the zoning code.

### **Library Refuses Access to Religious Groups**

*<http://www.ala.org/ala/alonline/currentnews/newsarchive/2002/july2002/texaslibrary.cfm>*

The public library in Mitchell County, Texas, denied Rev. Seneca Lee access to a room in which he planned to hold a meeting about political and social issues from a Christian perspective. A library policy prevented religious groups from using the meeting room. Only after a lawsuit was filed did the library change their policy of discriminating against religious groups.

### **Allen, Texas, Refuses to Lease Property for Church Use But Leases to Secular Groups**

The City of Allen denied Cottonwood Creek Baptist Church the right to lease property for church use, even though the city had previously allowed secular groups to lease the same space. The ordinance applied by the city targeted churches for unfair treatment and exclusion. After a lengthy discussions with the church's attorneys, the city finally allowed the church to lease the space.

### **Texas Town Bans Churches from Meeting in City-Owned Buildings**

The city of Terrell, Texas, prohibited the Purpose Life Church from meeting in a city owned building, saying, "Local governments are not allowed to have church activities in a city-owned building. This is consistent with city policy. The city has denied these types of requests of other church events. We are governed in this area by both state and federal law." Only after attorneys filed a lawsuit and the Department of Justice investigated the city did the city settle the lawsuit and pay damages to the church.



### **New York City Prohibits Bible Study in Community Center**

*Alliance Defense Fund, "Almost a Year after the Tragic Attack on America, Pastor Wins Right to Hold Bible Study for Residents in New York City..." available at <http://www.christianrights.org/Alliance%20Defense%20Fund/ADF%205.htm>*

Following the September 11 attacks, a New York City pastor wanted to use the Woodside Community Center, located in a public housing development, to host a Bible study for New Yorkers. The pastor was denied his request because religious services (unless connected to a family-oriented event like a wedding) were prohibited. A lawsuit was filed to prevent the community center from treating religious groups differently from other groups.



## MANAGING EDITORIAL TEAM



**Kelly Shackelford, Esq.**, has been President, CEO, and Chief Counsel of First Liberty Institute (formerly Liberty Institute) since 1997. He is a constitutional scholar who has argued before the U.S. Supreme Court, testified before the U.S. House and Senate on constitutional issues, and won landmark First Amendment and religious liberty cases. He was named one of the 25 greatest Texas lawyers of the past quarter-century by *Texas Lawyer*, and he is also the recipient of the prestigious William Bentley Ball Award for Life and Religious Freedom Defense for his leadership and pioneering work protecting religious freedom. He is on the Board of Trustees of the U.S. Supreme Court Historical Society.



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The Managing Editorial Team also wishes to acknowledge the outstanding contributions of the attorneys, research fellows, and interns at First Liberty Institute, who both know the legal landscape of religious liberty and strive to keep religious liberty as America's first liberty.



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