

**The ACLU Defends Freedom of Religion  
February 14, 2006**

The ACLU is fully engaged in defending a broad range of constitutional rights, including rights related to freedom of religion and belief. It is sometimes wrongly imagined that the ACLU does not vigorously protect rights of freedom of religion, particularly of Christians. The following recent cases illustrate just how wrong these misconceptions are. Although the cases listed below are under the categories of “Christians” and “non-Christian” (representing the religious beliefs of those who were defended), constitutional rights belong to everyone and not only to people of particular religious faiths. The ACLU is also proud of its work defending the rights of everyone by ensuring that the Establishment Clause is fully respected.

***Recent ACLU Cases Defending the Constitutional Rights of Christians***

**Rhode Island** ACLU (2006) filed an appeal in federal court on behalf of an inmate who was barred from preaching during Christian religious services, something he had done for the past seven years under the supervision and support of prison clergy. The prisoner, Wesley Spratt, believes his preaching is a calling from God. Prison officials cited vague and unsubstantiated security reasons for imposing the preaching ban on Mr. Spratt. The ACLU argued that the ban violates Mr. Spratt’s religious freedoms guaranteed to prisoners under federal law.  
<http://www.riaclu.org/20060111.html>

The ACLU of **Pennsylvania** (2005) (in conjunction with Americans United) in *Kitzmilller v. Dover Area School District* won a Federal court case on behalf of parents of public school children against the school district that had attempted to impose religious beliefs on those who did not share them. (For the opinion see:  
<http://www.aclu.org/religion/schools/231371gl20051220.html>) The parents objected that the religious beliefs, under the guise “intelligent design” as an alternative to the theory of evolution, violated their religious liberty by promoting particular religious beliefs to their children under the guise of science education.  
<http://www.aclu.org/religion/intelligentdesign/index.html>

The ACLU of **Nevada** (2005) defended the free exercise rights and free speech rights of evangelical Christians to preach on the sidewalks of the Strip in Las Vegas.  
<http://www.kvbc.com/Global/story.asp?S=3379553&nav=15MVaB2T>

The ACLU of **New Mexico** (2005) joined forces with the American Family Association to succeed in freeing a preacher, Shawn Miller, from the Roosevelt County jail, where he was held for 109 days for street preaching. The ACLU became involved at the request of Miller’s wife, Theresa.  
[http://www.stcynic.com/blog/archives/2005/08/aclu\\_defends\\_another\\_street\\_pr.php](http://www.stcynic.com/blog/archives/2005/08/aclu_defends_another_street_pr.php);  
<http://www.aclu.org/religion/gen/19918prs20050804.html>

The ACLU of **New Jersey** (2005) filed a motion to submit a friend-of-the-court brief on behalf of Olivia Turton, a second-grade student who was forbidden from singing “Awesome God” in a voluntary, after-school talent show. The only restriction on the student’s selection for the talent show was that it be “G-rated.” The case, filed in federal court, is *Turton, et al. v. Frenchtown Elementary School, et al.* <http://www.aclu.org/religion/schools/20174prs20050920.html?ht=students%20pray%20students%20pray>

The ACLU of **Michigan** (2005) filed a federal lawsuit on behalf of Joseph Hanas, a Catholic, who was criminally punished for not completing a drug rehabilitation program run by the Pentecostal group. Part of the program required reading the Bible for seven hours a day, proclaiming one’s salvation at the altar, and being tested on Pentecostal principles. Staff confiscated Mr. Hanas’s rosary and told him Catholicism was witchcraft. <http://www.aclu.org/religion/govtfunding/22354prs20051206.html>

The ACLU of **Louisiana** (2005) filed suit against the Department of Corrections on behalf of a Mormon inmate, Norman Sanders, who was denied the right to practice his religion by being denied access to religious texts, including The Book of Mormon, and Mormon religious services. “Mormons should receive the same accommodation of their beliefs as do individuals of other faiths,” said Joe Cook, Executive Director, ACLU of Louisiana. “Fair and equal treatment means they deserve the right to a place to meet, have a minister and discuss their beliefs like other groups.” <http://www.laaclu.org/SandersvCain>  
<http://www.laaclu.org/News/2005/Aug26SandersvCain.htm>

The ACLU of **Pennsylvania** (2005) won a battle against Turtle Creek Borough that repeatedly denied an occupancy permit to a predominantly African-American church, Ekklesia, which had purchased the church building from a predominantly white parish. The case is *Ekklesia Church v. Borough of Turtle Creek*. The case was settled. [www.aclupa.org/downloads/SpringDocket.PDF](http://www.aclupa.org/downloads/SpringDocket.PDF)

The ACLU of **Oregon** (2004-05) filed suit on behalf of high school basketball players from an Adventist school against the Oregon School Activities Association, which administers competitive athletic and artistic competitions in Oregon high schools. The ACLU argued that the Adventist basketball players who have made it to the state tournament should not be required to play tournament games on Saturday, their Sabbath. The case, argued in Oregon courts, is *Nakashima v. Board Of Education*. <http://www.aclu-or.org/litigation/portlandadventacademy/PAA.html>

The ACLU of **Nevada** (2004) represented a Mormon high school student, Kim Jacobs, who school authorities suspended and then attempted to expel for not complying with the school dress code and wearing T-shirts with religious messages. Jacobs won a preliminary victory in court where the judge ruled the school could not expel her for not complying with the dress code. The First Amendment issue of student expression is before the Ninth Circuit.

<http://www.lasvegassun.com/sunbin/stories/text/2004/sep/09/517482854.html>;  
<http://www.lasvegassun.com/sunbin/stories/sun/2004/nov/19/517853141.html>

The ACLU of **Washington** (2004) reached a favorable settlement on behalf of Donald Ausderau, a Christian minister, who wanted to preach to the public on Plaza sidewalks.  
<http://www.aclu-wa.org/detail.cfm?id=57>

The ACLU of **Virginia** (2004) interceded with local authorities on behalf of Baptist preachers who were refused permission to perform baptisms in the river in Falmouth Waterside Park in Stafford County.  
<http://www.washingtonpost.com/ac2/wpdyn/A16839-2004Jun4?language=printer>;  
<http://www.aclu.org/ReligiousLiberty/ReligiousLiberty.cfm?ID=15897&c=141>

The **Indiana** Civil Liberties Union (2004) filed suit against the city of Scottsburg for their repeated threats of arrest and/or citation against members of the Old Paths Baptist Church for demonstrating regarding various subjects dealing with their religious beliefs.  
[http://www.iclu.org/news/news\\_article.asp?ID=978](http://www.iclu.org/news/news_article.asp?ID=978)

The ACLU of **Pennsylvania** (2005) won a battle against Turtle Creek Borough that repeatedly denied an occupancy permit to a predominantly African-American church, Ekklesia, which had purchased the church building from a predominantly white parish. The case is *Ekklesia Church v. Borough of Turtle Creek*. The case was settled. With the help of the ACLU of **Pennsylvania Greater Pittsburgh Chapter** (2004), the Church Army, an Episcopal social service group, was able to keep its program of feeding the homeless running. The ACLU convinced the County Health Department to reverse a decision that meals served to homeless people in a church must be cooked on the premises, as opposed to individual homes. Had the decision not been reversed, the ministry would have been forced to cease the program.

The ACLU of **Pennsylvania** (2004) was victorious in its arguments that government had to accommodate Amish drivers who used highly reflective gray tape on their buggies instead of orange triangles, to which the Amish objected for religious reasons.  
<http://www.post-gazette.com/localnews/20021020amish1020p6.asp>.

The ACLU of **New Jersey** (2004) appeared as *amicus curiae* in opposition to a prosecutor's act of striking potential jurors from a jury pool based on the fact that the prosecutor perceived those individuals to be "demonstrative about their religion." One potential juror was a missionary; the other juror was wearing Muslim religious garb, including a skull cap. The ACLU-NJ argued that such an action violates the religion clauses of both the United States and New Jersey Constitutions. It also argued that not only is it inappropriate for jurors to be struck because they are demonstrable about their religion but, in addition, such a basis will often amount to a removal based upon a particular religious belief or affiliation and will lead to discrimination against identifiable religious minorities. The case is *State v. Fuller* (NJ SCt 2004).  
<http://www.aclu-nj.org/legal/closedcasearchive/statevllloydfuller.htm>

The ACLU of **Pennsylvania** (2004) settled a lawsuit on behalf of Second Baptist Church of Homestead, a predominantly African-American church that had been denied a zoning permit to operate in a church building purchased by a white congregation. The occupancy permit was awarded in 2002, and in 2004, the Borough of West Mifflin agreed to pay damages and compensate the church for its losses. The case is *Second Baptist Church of Homestead v. Borough of West Mifflin*.

<http://www.postgazette.com/neighborhood/2002/10/29/churchsuitsouth2p2.asp>

<http://www.postgazette.com/localnews/2002/11/16/aclureg6p6.asp>

<http://www.postgazette.com/pg/04111/303298.stm>

The ACLU of **Massachusetts** (2003) intervened on behalf of a group of students at Westfield High School who were suspended for distributing candy canes and a religious message in school. The ACLU succeeded in having the suspensions revoked and filed an amicus brief in a lawsuit brought on behalf of the students against the school district. Students who were suspended include Daniel S. Souza, Stephen J. Grabowski, Sharon L. Sitler and Paul Sitler.

<http://www.aclu.org/StudentRights/StudentRights.cfm?ID=11876&c=159>

The ACLU of **Rhode Island** (2003) interceded on behalf of an interdenominational group of carolers who were denied the opportunity to sing Christmas carols on Christmas Eve to inmates at the women's prison in Cranston, Rhode Island.

[http://www.rifrn.net/blog/blogs/noskin\\_b.php?p=45&more=1&c=1&tb=1&pb=1](http://www.rifrn.net/blog/blogs/noskin_b.php?p=45&more=1&c=1&tb=1&pb=1)

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

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

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

<http://www.aclu.org/FreeSpeech/FreeSpeech.cfm?ID=10206&c=42>

The ACLU of **Virginia** (2002) joined the Rev. Jerry Falwell in winning a lawsuit arguing the Virginia Constitution's provision that bans religious organizations from incorporating is unconstitutional.

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

The ACLU of **Michigan** (beginning in 2001) represented Abby Moler, a student at Sterling Heights Stevenson High School, whose yearbook entry was deleted because of its religious content.

<http://www.freep.com/cgi-bin/forms/printerfriendly.pl>;

<http://www.aclu.org/StudentRights/StudentRights.cfm?ID=15680&c=159>

The ACLU of **Massachusetts** (2000) defended inmate Peter Kane's right to exercise his religious beliefs when prison officials confiscated his rosary beads. The rosary beads were black and white and prison rules allow only solid-colored beads.  
<http://www.firmstand.org/news/rosary.html>

The ACLU of **Virginia** (2000) represented Charles D. Johnson, a street preacher who was convicted under Richmond's noise ordinance. The Virginia Court of Appeals reversed his conviction in 2000. The case is *Johnson v. City of Richmond*, 2000 WL 1459848 (Va. App. 2000).

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

<http://www.freedomforum.org/templates/document.asp?documentID=8521>;  
<http://pqasb.pqarchiver.com/washingtonpost/access/61421555.html?dids=61421555:61421555&FMT=ABS&FMTS=ABS:FT&fmac=&date=Sep+30%2C+2000&author=Brooke+A.+Masters&desc=Ft.+Belvoir+Rehires+Jehovah%27s+Witness>

The ACLU of **Eastern Missouri** (1999) secured a favorable settlement for a nurse, Miki M. Cain, who was fired for wearing a cross-shaped lapel pin on her uniform.  
<http://legalminds.lp.findlaw.com/list/news/msg00021.html>

The ACLU of **Virginia** (1997-1999) represented Rita Warren and her mission to erect a crèche on Fairfax County government space that had been set aside as a public forum. The ACLU argued restricting the use of the public forum to county residents only was an unreasonable restriction. The Fourth Circuit Court of Appeals agreed with the ACLU.  
<http://www.providence.edu/polisci/cammarano/article-Masters.htm>;  
<http://www.catholicherald.com/eddesk/97ed/ed971211.htm>

The ACLU of **Iowa** (1997) represented Conservative Christians in Clarke County and won the right to force a county referendum on gambling.  
<http://www.aclu.org/studentsrights/expression/12852prs20050429.html>

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

The ACLU of **Pennsylvania Greater Pittsburgh Chapter** (1997) intervened on behalf of a Mennonite nurse and prevented his firing for refusing to shave his beard for religious reasons. The employer demanded the nurse shave his beard so the state-issued mask to guard against tuberculosis would fit tightly despite the employee's offer to purchase a

more expensive mask that would be approved for work with T.B. patients and that would fit properly with his beard intact. After receiving telephone calls and letters from the ACLU, the state employer agreed to accommodate the nurse's religion.

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

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

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

**Iowa** affiliate of the ACLU (1995) represented and vindicated the free speech and religious expression of a conservative Christian activist, Elaine Jaquith of Waterloo, who had been denied access to broadcast her message on public television.  
<http://www.aclu.org/studentsrights/expression/12852prs20050429.html>

The ACLU of **Texas** (beginning in 1995) represented Catholic and Mormon Santa Fe High School students who opposed the proselytizing prayers offered by the school's student council chaplain over the public address system prior to home football games. The U.S. Supreme Court agreed that public schools should not be used to proselytize on behalf of religion. *Santa Fe Independent School Dist. v. Doe*, 530 U.S. 290 (2000)  
<http://www.oyez.org/oyez/resource/case/683>

The ACLU of **Vermont** (1994-95) represented evangelical Christians Freda and Perry Hollyer, who were denied Medicaid and food stamp benefits because they refused to obtain social security numbers for their children. The Hollyers believed that obtaining social security numbers for their children ran contrary to their understanding of the Book of Revelations. The ACLU appealed the denial to the state's Human Services Board. The Board ruled in favor of the Hollyers holding that the state's legitimate interests in preventing fraud could be achieved without use of a social security number. The Board's ruling is on file with the ACLU's Program on Freedom of Religion and Belief.

The ACLU of **Utah** (1990s) represented an evangelical Christian ministry that had been evicted and denied future access as a vendor at a state fair because fair-goers objected to

the religious content of the message.  
<http://www.acluutah.org/01report.htm>

***Non-Christian religions:***

The ACLU of **New Mexico** (2005) represented Muammar Ali, a Muslim football player for New Mexico State, who was released from play following repeated questioning about al-Qaida.

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

The ACLU of **North Carolina** (2005) filed a lawsuit challenging the state's practice of refusing to allow non-Christians from taking an oath in court using a religious text other than the Bible.

<http://www.aclu.org/ReligiousLiberty/ReligiousLiberty.cfm?ID=18816&c=29>

In response to a lawsuit filed by the ACLU of **Colorado** (2005), the Department of Corrections agreed to resume providing kosher meals to Timothy Sheline, a Jewish prisoner, whose kosher diet was revoked for one year as punishment for allegedly violating a dining hall rule by taking two packages of butter and two packages of salad dressing and placing them in his pocket to remove them from the dining hall.

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

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

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

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

[http://www.aclu-wi.org/wisconsin/religious\\_liberty/20050525rhounipressrelease.shtml](http://www.aclu-wi.org/wisconsin/religious_liberty/20050525rhounipressrelease.shtml)

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

<http://130.94.233.45/pressrel/050518-cheema.html>

The ACLU of **New Jersey** (2005) settled with the New Jersey Department of Corrections on behalf of Patrick Pantusco, an inmate who practices Wicca who was denied religious books and other religious items while in prison. Persons of other religions were

permitted to obtain religious books and items specific to their religious practice. The prison's denial of Mr. Pantusco's requests was based on the fact that the prison refused to recognize Wicca as a legitimate religion. In the settlement, the state agreed to permit Mr. Pantusco access to all requested items and pay damages. The case is *Pantusco v. Moore, et al.* (D.N.J.).

<http://www.aclu-nj.org/pressroom/aclunjprotectsinmatesright.htm>

The ACLU of **Washington** (2005) represented The Islamic Education Center of Seattle, which was denied a conditional land use permit by the city of Mountlake Terrace. The Center is a small nonprofit membership organization founded primarily by Farsi-speaking (Iranian & Afghani) Muslims living in the greater Seattle area. It holds prayer services on Friday and Saturday evenings, sponsors educational programs like poetry reading and language training, and holds various cultural and traditional observances. The City denied the Center's land use permit even though the property next door to the Center was a Christian church that had received a similar permit. With the aid of the ACLU, the Center was eventually awarded the necessary permit to allow it to operate.

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

The ACLU of **Nebraska** (2004) filed a suit against the city of Omaha on behalf of Lubna Hussein, a practicing Muslim woman who wears a headscarf and long sleeves for religious reasons, who was twice denied entry to Deer Ridge pool property to watch her children swim for refusing to wear a swimsuit. She did not intend on entering the pool to swim. The city has since changed its policy allowing for medical and religious exceptions to the swimsuit policy.

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

The ACLU of **Virginia** (2003) represented and filed suit on behalf of Cynthia Simpson, a Wiccan who county leaders refused to add to a list of religious leaders who could be invited to offer invocations at meetings of the Chesterfield County board of Supervisors. The reason given for refusing to add her to the list was that her religion was not of the Judeo-Christian tradition. A federal magistrate judge found restricting the invocations to Judeo-Christian prayers violated the constitutionally required separation of church and state.

<http://www.aclu.org/religion/discrim/16100prs20031113.html?ht=>

The **Iowa** Civil Liberties Union (2002) brought suit on behalf of two sophomore students and their parents against the Woodbine Community School District challenging the district's decision to have the school choir sing the Lord's Prayer at the graduation ceremony. The sophomores, Donovan and Ruby Skarin, are members of the choir and do not want to be forced to "sing praise to a God that we don't even believe in."

<http://www.aclu.org/religion/schools/16044prs20020401.html?ht=>

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

Wicca religion.

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

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

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

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

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

The ACLU of **New Jersey** (1999), the Becket Fund for Religious Liberty, and the Anti-Defamation League won a lawsuit on behalf of Muslim police officers who were barred by department grooming standards from maintaining their beards, as required by their religious beliefs. The officers, Faruq Abdul-Aziz and Shakoor Mustafa, are devout Sunni Muslims. The case is *Fraternal Order of Police Newark Lodge No. 12 v. City of Newark*, 170 F.3d 359 (3d Cir. 1999).

<http://www.aclu-nj.org/pressroom/muslimofficerswinrighttowe.html>

The ACLU of **Oregon** (1996-present) filed suits on behalf of Portland student Remington Powell and his parents against the Portland School District for allowing The Boy Scouts, a religious organization, to recruit in public schools during school hours. The first case alleged constitutional and statutory violations of the separation of church and state. The second case alleged violation of state anti-discrimination laws based on public schools allowing the Boy Scouts to recruit in school despite the organization's history of religious and sexual-orientation discrimination.

<http://www.aclu-or.org/litigation/powell/powellmain.htm>