

Thursday, February 7, 2013

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# Norwalk hires high-profile attorney to battle proposed mosque



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## Norwalk hires high-profile attorney to battle proposed mosque

Photos at top contributed/Photo above Hour photo by Erik Trautmann

At top left is the book "God vs. The Gavel" is authored by Marci Hamilton, pictured at top left, who was hired by Norwalk to battle a prosed mosque at 127 Fillow St. Above, is the house that currently sits on the property on Fillow Street that the Al Madany Islamic Center owns.



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Posted: Monday, February 4, 2013 5:30 pm | Updated: 9:27 am, Wed Feb 6, 2013.

By ROBERT KOCH  
Hour Staff Writer | 9 comments

NORWALK -- A constitutional law scholar who has argued before the U.S. Supreme Court and appeared on The Daily Show with Jon Stewart is the city's latest defense against a proposed mosque and community hall for 127 Fillow St.

On Monday, U.S. District Court in New Haven granted the city's request for Marci A. Hamilton to represent Norwalk in the case of "Al Madany Islamic Center of Norwalk, Inc. v. Norwalk, et al."

Al Madany sued the city after the Norwalk Zoning Commission last June rejected a plan for a 27,000-square-foot mosque and community hall on the one-acre property.

Hamilton is the Paul R. Verkuil Chair of Public Law at the Benjamin N. Cardozo School of Law at Yeshiva University in New York City and "has represented municipalities successfully for many years in these types of cases," said Robert F. Maslan, Jr., head of the city's law department.

"We believe that the city has done nothing wrong and we are going forward with our defense," Maslan said. "We hired her to assist us in this case based on her knowledge of this area of the law and her past experience in representing municipalities in cases in which municipalities have been accused of discrimination based on religion."

Hamilton is one of the nation's leading church/state scholars and has served as legal counsel in important clergy sex abuse and religious land use cases in state and federal courts, according to her biography posted on the law school's website.

In 1997, she represented the city of Boerne, Texas, after it rejected granting the Catholic Archbishop of San Antonio a permit to enlarge a

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church in Boerne. The building was located in a historic district.

Hamilton won the case and the court struck down The Religious Freedom Restoration Act (RFRA) of 1993. The act was adopted to prevent laws which burden a person's free exercise of their religion.

In the Albany Government Law Review, Hamilton argued that the Religious Land Use and Institutionalized Person Act (RLUIPA) -- the successor to RFRA -- is unconstitutional.

- [THE REAL DEAL: Professor Hamilton](#)
- [Cardozo Law Professor Marci A. Hamilton on Flaws of Religious Land Use Law](#)

**The Daily Show with Jon Stewart**  
**Marci Hamilton**

**Mon - Thurs 11p / 10c**

[www.thedailyshow.com](http://www.thedailyshow.com)

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In July 2005, she told The Daily Show host Jon Stewart that religious institutions would "prefer not to have land use laws apply to them."

"If you're in a residential neighborhood and they want to build a parking lot next door to you, 300 cars, they'd prefer not to have the residential neighborhood requirements apply to them," Hamilton said on the show.

In Norwalk, houses of worship are an allowed use within residential zones provided they obtain a special permit from the city's Zoning Commission. Al Madany maintains that its plan complied standards for such use.

The court appeal filed by Al Madany alleges that the city, in rejecting the mosque plan, violated the First and Fourteenth amendments, the Connecticut Religious Freed Act and also RLUIPA.

"Federal law protects the right of all religious traditions, mainstream or minority, to a place where congregants can pray, worship together and teach their children," said Roman P. Storzer, the Washington, D.C., attorney retained by Al Madany, in a press statement accompanying the lawsuit. "It is up to the faith-based organization, and not the government, to decide which religious activities are uses that are to be associated with its place of worship."

Storzer, an attorney with Storzer & Greene, PLLC, has represented religious institutions nationwide in religious freedom matters. His legal victories include thwarting the Camden County Improvement Authority's (N.J.) attempt to seize Living Faith Ministries' church and allowing it to continue to exist in an area of economic redevelopment, and a decision by a federal district court supporting The Church of the

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#### Jane Malcolm and her friends throughout Fairfield County, and many professionals from

Hills in a lawsuit against the Township of Bedminster, N.J., in an attempt to expand its church, according to his law firm's website.

Mayor Richard A. Moccia rejects that discrimination played a role in the Norwalk Zoning Commission's decision.

"It's important that this city defend itself," Moccia said. "I do find it very, very disturbing that they would base (the appeal) on religious bigotry which does not exist and never did exist."

Hamilton is among a new legal team assembled by the city to defend against the lawsuit after an attorney retained through the Connecticut Conference of Municipalities (CCM) advised settling the case for \$100,000 and allowing the mosque and community hall to be build subject to additional parking requirements.

The city has a \$1 million deductible through the Connecticut Interlocal Risk Management Agency -- the insurance arm of CCM. Maslan declined comment on how much the city's defense against the Al Madany lawsuit has cost thus far.

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Posted in [Norwalk](#) on *Monday, February 4, 2013 5:30 pm*. *Updated: 9:27 am*. | Tags: [Marci A Hamilton](#), [Benjamin N Cardozo School Of Law](#), [Al Madany Islamic Center Of Norwalk](#), [Norwalk Zoning Commission](#), [Robert F Maslan, Jr](#), [The Religious Freedom Restoration Act](#), [Religious Land Use And Institutionalized Person Act](#), [Roman P Storzer](#), [Mayor Richard A Moccia](#), [Connecticut Conference Of Municipalities](#), [Connecticut Interlocal Risk Management Agency](#)

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**Thursday 02/07/2013**

**DOVELL, MILDRED MORIN**

*Updated: February 07, 2013 - 7:52 am*

MILDRED MORIN DOVELL Long time Wilton resident Mildred Morin Dovell, Millie, age 88, died peacefully at home on January 31, 2013. A...

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**TEEVAN, ELEANOR C.**

*Updated: February 07, 2013 - 10:10 am*

**Updated** ELEANOR C. TEEVAN - Eleanor C. Teevan, of Ridgefield died Monday, February 4th. A Mass of Christian Burial will be celebrated on Friday ,February...

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**Tyghem-Bronkiewicz, Jeannette**

*Updated: February 07, 2013 - 10:10 am*

**Updated** Jeannette Tyghem Bronkiewicz On Wednesday, February 6, 2013, Jeannette Tyghem Bronkiewicz died peacefully at Pope John Paul II Center for Care and...

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### 9 comments:

[uncledave](#) posted at 7:48 pm on Tue, Feb 5, 2013.



Posts: 33

PLEASE Keep this story on the FRONT Page.  
It is important for all to keep track of.  
Yes to the new lawyer.

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[wurm90125](#) posted at 8:45 am on Tue, Feb 5, 2013.



Posts: 129

I'm beyond pleased that the city has chosen not to cave in to this nonsense. The site is totally inappropriate and has been from the beginning. That intersection is one of the most dangerous in town, and the potential of increased traffic and cars parked on the street will make it worse. There are plenty of other sites in town that can support this with little difficulty. The city acted properly in denying the permit, and Al Madany will not be able to prove discrimination. The time and money they're spending contesting this could have been better spent obtaining a more suitable location.

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[Patrick Callahan](#) posted at 8:04 am on Tue, Feb 5, 2013.



Posts: 7

Parents- along the same lines-  
Watch what you children are being taught in school, I have had to discuss with my son's school why they are teaching about islam and the koran and not about any other religion. They do as a misguided attempt by the liberal admin. to promote diversity. I told them that is fine if they force the muslim student to learn about Christianity and Jewish culture as well. They did not know how to answer that one.

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[PikeBishop](#) posted at 4:08 am on Tue, Feb 5, 2013.



Posts: 337

Thank you, Mayor Moccia.

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**Joeespo** posted at 12:38 am on Tue, Feb 5, 2013.



Posts: 20

Absolutely the best decision that could have been made. When you're up against a fraudulent claim of racism, you can't spend enough for a good defense against charallans. There are acres and acres of other land where the mosque could have been built but they chose so inappropriate a site that it seemed to be selected with the purpose of spitting contemptuously in the face of their neighbors. But neighbors they will not be and they, and their congregants, unwelcomed, will suffer the contempt of their fellow citizens for ever, this for their reckless disregard of the community. Win or lose, the Norwalk Moslem community will have to live with the legacy that they wasted valuable resources to cause the City to defend their lawsuit; money that could have been spent on their children's education, on the homeless, or fighting the scourge of gun violence.

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**Michael Hunt** posted at 8:12 pm on Mon, Feb 4, 2013.



Posts: 102

When the court rules in Norwalk's favor, which it should, the Islamic's - not Norwalk - will foot the legal bill.

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**Laura Bien** posted at 7:36 pm on Mon, Feb 4, 2013.



Posts: 5

I agree with Mr. Muldowney, however, since the fight is on, I am pleased that my tax dollars will be used for an attorney with a winning track record against those who play the discrimination card when no discrimination is present.

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**SW** posted at 6:36 pm on Mon, Feb 4, 2013.



Posts: 3

Cities are expected to back down when a Discrimination suite is filed, most often the one filing the law suite loses. I have no problem with my tax money being used for this. The P & Z decision will stand.

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**Rick Muldowney** posted at 6:13 pm on Mon, Feb 4, 2013.



Posts: 4

Frustrating that the spokesman for the mosque cried foul claiming racism.

Frustrating that an alternative site couldn't have suited everyone's needs in a compromise.

Frustrating that now we taxpayers have to foot the bill for litigation.

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