



United States Department of Justice
Civil Rights Division

RELIGIOUS FREEDOM IN FOCUS

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Religious Freedom in Focus is a periodic email update about the Civil Rights Division's religious liberty and religious discrimination cases. In 2007, the Department of Justice launched a new initiative, *The First Freedom Project*, to highlight its work protecting religious freedom. Through vigorous enforcement of:

- Federal statutes prohibiting religion-based discrimination in education, employment, housing, public facilities, and public accommodations;
- Federal laws against arson and vandalism of houses of worship and bias crimes against people because of their faith; and
- The Religious Land Use and Institutionalized Persons Act (RLUIPA);

and through participation as intervenor and friend-of-the-court in cases involving the denial of equal treatment based on religion, the Civil Rights Division is working to protect the right of people of all faiths to participate fully in public life.

More information and back issues of this newsletter may be found at www.FirstFreedom.gov. You may also contact the Special Counsel for Religious Discrimination, Eric W. Treene, at (202) 353-8622.

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Guilty Pleas in Tennessee Mosque Arson

Two Tennessee men pleaded guilty in Nashville on November 3 to federal civil rights violations and other federal charges for their role in the arson of the Islamic Center of Columbia, Tennessee on February 9. The mosque was burned to the ground in the incident.

In the plea hearing in the United States District Court in Nashville, Michael Corey Golden, 23, and Jonathan Edward Stone, 19, admitted that they assembled Molotov cocktails, broke into the Islamic Center, ignited the devices, and used them to destroy the mosque. The two further admitted that they committed the arson because of the religious character of the property. They pleaded guilty to violating the Church Arson Prevention Act, 18 U.S.C. 247, and to use of an incendiary device in the commission of a felony in violation of 18 U.S.C. 844(h)(1). Each defendant faces a prison sentence of up to 30 years.

"Violence based on religious intolerance is offensive to our nation's fundamental values," Grace Chung Becker, Acting Assistant Attorney General for the Civil Rights Division, said on the day of the pleas. "The Justice Department is committed to vigorously prosecuting federal laws prohibiting violent interference with religious

exercise and other bias-based crimes."

A third defendant, Eric Ian Baker, remains under indictment in the case. An indictment is merely an allegation of guilt, and a defendant is presumed innocent until proven guilty.

Since the 9/11 attacks, the Justice Department has prosecuted 46 defendants for federal bias crimes against Muslims, Arabs, Sikhs, and South Asians, with 41 convictions to date. More information is available on the website of the Civil Rights Division's [Initiative to Combat Post-9/11 Discriminatory Backlash](#).

DOJ Suit Alleging Village's Discrimination Against Jewish Boarding Schools May Move Forward, Court Rules

On November 12, a federal court in New York [held](#) that a United States lawsuit against the Village of Airmont alleging discrimination against Jewish boarding schools must be allowed to move forward. The United States District Court for the Southern District of New York rejected a motion by the Village that the suit, brought under the [Religious Land Use and Institutionalized Persons Act](#) (RLUIPA), should be dismissed.

The United States' suit, filed on June 10, 2005, alleges that the village enacted a ban on boarding schools in 1993 specifically to keep Orthodox Jews from settling in the Village. At the time the ban was enacted, the Hasidic Jewish community operated boarding schools, called yeshivas, in nearby areas. The suit alleges that the Village enacted the ban to keep Hasidic schools out of the village. The suit also contends that the ordinance operated to impose a substantial burden on the religious exercise of a particular Jewish congregation that was denied a permit to build a yeshiva in 2001. The Village moved to dismiss the United States' complaint, arguing that it did not state a valid claim under RLUIPA, and arguing that RLUIPA is unconstitutional.

The court rejected the Village's arguments that the United States did not state a valid RLUIPA claim. The court held that the United States stated a valid claim under section 2 (b)(2) of RLUIPA, which bars discrimination on the basis of religion or religious denomination, since the United States alleged that the ban on boarding schools was intended to help the Village keep out Hasidic Jews. The court noted that the United States' claim was "substantiated by the jury verdict (and the record)" in a 1995 case, *LeBlanc-Sternberg v. Fletcher*, which found that the Village had banned religious gatherings in homes in order to keep out Hasidic Jews, who regularly hold prayer meetings in rabbis' homes. The court also noted that the language of the boarding-school ban specifically mentions schools "of general and religious instruction," which "suggests that the Code's drafters were seeking to prohibit religious schools, and perhaps yeshivas in particular, when they wrote this provision."

The court likewise found that the United States had a valid claim under section 2(a) of RLUIPA, which bars government actions that impose a "substantial burden" on religious exercise without a compelling and narrowly tailored justification. The court held that the United States stated a valid claim, because the total ban on boarding schools rendered opening a yeshiva in the Village "effectively impracticable," and, the complaint alleges, yeshivas are an important part of Hasidic Jewish religious exercise.

The court also held that Congress did not exceed its powers in enacting RLUIPA. The court held that RLUIPA was a valid exercise of Congress's authority to regulate commerce, and a valid exercise of Congress's power under Section 5 of the Fourteenth Amendment to enforce rights guaranteed by the Constitution. The court also held that RLUIPA does not favor religious over secular uses in violation of the Establishment Clause of the First Amendment, since it serves to "alleviate significant government interference with the exercise of religion."

Since 2001, the Department of Justice has reviewed more than 170 RLUIPA cases and opened 40 formal investigations. The majority of investigations have resulted in favorable outcomes without filing suit. The Department also has filed five RLUIPA lawsuits. Through these cases, the Department has protected the rights of people from a wide range of religious faiths including Christians, Jews, Muslims, Buddhists, Hindus, and Sikhs. More information about the Department of Justice's RLUIPA enforcement

efforts may be found at the [Housing and Civil Enforcement Section website](#) or at the [First Freedom Project homepage](#).

DOJ Files Lawsuit Against the Metropolitan Government of Nashville and Davidson County for Religious and Disability Discrimination

On September 29, the Civil Rights Division [filed a lawsuit](#) against the Metropolitan Government of Nashville and Davidson County for not allowing Teen Challenge, a Christian substance abuse treatment program, to operate on a piece of property in Goodlettsville, Tennessee. The complaint, filed in the United States District Court for the Middle District of Tennessee, charges Metro Government with imposing a substantial burden on religious exercise without sufficient justification, in violation of the [Religious Land Use and Institutionalized Persons Act](#) and discriminating against individuals with disabilities in violation of the Fair Housing Act.

The complaint alleges that, in February 2007, Metro Government denied Teen Challenge's application for a building permit and passed an amendment to the zoning code that targeted housing for persons recovering from alcohol and drug dependency. In addition to being facially discriminatory, the United States asserts that Metro Government enacted this legislation to prevent Teen Challenge from operating in Davidson County. After the Civil Rights Division opened an investigation, the zoning amendment was repealed in July 2008.

In addition to other forms of relief, the lawsuit seeks an injunction against further discrimination and civil penalties to be paid to the United States.

Since 2001, the Department of Justice has opened 40 formal investigations and brought five lawsuits under RLUIPA to protect people from a wide range of religious faiths from discrimination and unjustified burdening of religious exercise by zoning officials. More information about the Department of Justice's RLUIPA enforcement may be found at the [Housing and Civil Enforcement Section website](#) or at the [First Freedom Project homepage](#).

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