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JUSTICE NEWS

**Assistant Attorney General for the Civil Rights Division
Thomas E. Perez Speaks at the American Constitution
Society for Law and Policy's RLUIPA Event**

Washington, D.C. – Tuesday, September 21, 2010

Thank you for being here today for this discussion about 10 years of the Religious Land Use and Institutionalized Persons Act (RLUIPA) enforcement. The timing of this anniversary is auspicious, as it gives us an opportunity to reflect on the values of our nation and the protection of our basic rights at a time when the national conversation about these issues has produced a great amount of heated rhetoric.

RLUIPA was a response by bipartisan members of Congress to what they saw as a threat to one of our most fundamental freedoms. As Senator Orrin Hatch and the late Senator Ted Kennedy said in their joint statement upon passage of the bill, "The right to assemble for worship is at the very core of the free exercise of religion."

That this bill was co-sponsored by the Senate's liberal lion and a steadfast conservative colleague across the aisle is a reminder that religious freedom and civil rights are not Democratic or Republican values – they are American values; they are at the very core of our nation's existence.

There is perhaps no greater precondition for the exercise of religious freedom than the ability to worship and practice one's faith in peace. And yet, throughout our history, members of various religious groups have faced discrimination, bigotry and hate. And, regrettably, harmful words and hateful acts continue today.

Just this summer, we indicted a 24-year old Alabama man for his alleged role in vandalizing a synagogue in Mobile with neo-Nazi markings. Just two days before we announced the indictment, a 22-year old Massachusetts man became the second person to plead guilty to charges related to the burning of a predominantly African-American church in Springfield on the morning after President Obama was elected. And this spring, the third of three men was sentenced for his role in vandalizing and burning down a mosque in Columbia, Tennessee.

Whether manifested overtly, in the form of violent acts, defacement of property or hateful rhetoric, or more subtly, in the form of discriminatory land use and zoning policies, barriers to religious liberty are a threat to our freedom and to our nation's identity.

Time after time, American leaders have recognized these barriers and acted to break them down. They wrote religious freedom into our Constitution, and backed it up by including religion in the Civil Rights Act of 1964 and the Fair Housing Act a few years later. In 1996 they responded to a rash of arsons that destroyed a large number of primarily African-American churches by passing the Church Arson Prevention Act, making it a federal crime to commit arson or vandalism against a place of worship.

And 10 years ago, after a series of hearings that revealed the troubling truth that religious institutions, particularly minority religions or churches dominated by ethnic minorities, frequently faced both overt and subtle discrimination in land use and zoning, they responded by passing RLUIPA.

In the decade since it was added to the Civil Rights Division's arsenal, RLUIPA has been used to protect the rights of people from a wide variety of faiths in many different contexts. Our investigations and cases have defended the rights of Jews, Muslims, Christians, Sikhs, Buddhists and others. We have protected places of worship, religious schools, prayer groups in private homes and critical social services, such as homeless shelters, group homes and soup kitchens.

Just last week we filed a case against the city of Walnut, California, alleging that the city violated RLUIPA when it denied a conditional use permit to a Buddhist house of worship. Until the city denied the permit in January 2008, it had not denied any conditional use permit to build, expand or operate a house of worship since at least 1980. Months after the Zen Center's permit was denied, the city approved a permit for a Catholic church that, when completed, will be larger than the Zen Center's proposed facility.

This summer, we reached a settlement with the village of Suffern, New York, to permit a Jewish organization to operate a "Shabbos House" across the street from a local hospital. The village violated RLUIPA by refusing to permit the house to operate in the location, which is necessary in order for it to serve its core purpose. The house offers kosher meals and lodging, free of charge, to Orthodox Jews visiting family in the hospital on the Sabbath and other holy days – when they are required to refrain from driving, using electricity and other activities. The settlement ensures the house can continue to operate in the location near the hospital.

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In the decade since its passage, the Civil Rights Division has opened 51 investigations under RLUIPA, including seven so far in 2010. We have filed seven land use-related lawsuits, 10 amicus briefs in private RLUIPA cases and intervened in private lawsuits to defend RLUIPA's constitutionality in 30 land-use cases. Many of our investigations have served to educate local officials about their obligations under RLUIPA, and have led to changed policies without litigation becoming necessary.

These efforts to enforce RLUIPA are just one facet of a broader commitment to protecting the ability of communities to practice their faiths in peace. From prosecuting acts of violence against houses of worship, to protecting the rights of individuals to be free from discrimination at school or in the workplace, we are vigilant in our efforts to combat barriers to religious liberty.

This work is perhaps as important today as any time in our history. We have clearly made great progress in furthering civil rights, and our nation is a far more tolerant one than just decades ago. But we know that there are people in this country who continue to face ignorance and intolerance. We know that there are those who fear for their safety when they enter their place of worship. We know that, in 2010, Muslim-Americans continue to struggle for acceptance in many communities. Of 18 RLUIPA inquiries involving discrimination against Muslims that the department has initiated since September 11, 2001, 8 have been opened since May.

It is a sober reminder that there are those in our nation who have not yet realized the full promise of equal opportunity and equal justice. And we know that it is our responsibility to stand up for them, to use the tools available to ensure that the protections of our Constitution are granted to all, and to continue to push forward so that our founders' vision of true religious liberty can be realized by all. Let us not forget that our forefathers came to this land seeking freedom from religious oppression. We must honor their legacy by ensuring that the United States continues to be the world's beacon of religious freedom.

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