

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

THE ISLAMIC SOCIETY OF
BASKING RIDGE and
MOHAMMAD ALI CHAUDRY,
Plaintiffs,

v.

TOWNSHIP OF BERNARDS,
et al.,

Defendants.

No. 3:16-cv-01369-MAS-LHG
(Hon. Michael A. Shipp)

**Brief of American Association of Jewish Lawyers and Jurists, Baptist Joint Committee for Religious Liberty, Becket Fund for Religious Liberty, Center for Islam and Religious Freedom, Ethics and Religious Liberty Commission of the Southern Baptist Convention, Interfaith Coalition on Mosques, International Mission Board of the Southern Baptist Convention, International Society for Krishna Consciousness, Muslim Bar Association of New York, National Asian Pacific American Bar Association, National Association of Evangelicals, New Jersey Muslim Lawyers Association, Queens Federation of Churches, Sikh American Legal Defense and Education Fund, Sikh Coalition, South Asian Bar Association of New Jersey, South Asian Bar Association of New York, and Unitarian Universalist Legislative Ministry of New Jersey
as *Amici Curiae* in Support of Plaintiffs**

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INTEREST OF *AMICI CURIAE*

Amici are religious, legal, and civil liberties organizations concerned that the Religious Land Use and Institutionalized Persons Act (RLUIPA) be accurately interpreted and that constitutional rights be fully enforced. *Amici* include: American Association of Jewish Lawyers and Jurists, Baptist Joint Committee for Religious Liberty, Becket Fund for Religious Liberty, Center for Islam and Religious Freedom, Ethics and Religious Liberty Commission of the Southern Baptist Convention, Interfaith Coalition on Mosques, International Mission Board of the Southern Baptist Convention, International Society for Krishna Consciousness, Muslim Bar Association of New York, National Asian Pacific American Bar Association, National Association of Evangelicals, New Jersey Muslim Lawyers Association, Queens Federation of Churches, Sikh American Legal Defense and Education Fund, Sikh Coalition, South Asian Bar Association of New Jersey, South Asian Bar Association of New York, and Unitarian Universalist Legislative Ministry of New Jersey. Individual *amici* are described in the Appendix.

INTRODUCTION

A Muslim mosque cannot be subjected to a different land-use approval process than a Christian church simply because local protesters oppose the mosque. *Amici* are a diverse group of religious, legal, and civil liberties organizations with unique experiences, concerns, and expertise regarding land-use disputes and their impact on religious minorities across the country. *Amici* urge this court to grant Plaintiffs' 12(c) motion for partial judgment on the pleadings because Defendants have improperly applied different legal standards to a mosque simply because it is a mosque. Such government action runs afoul of the animating principle of nondiscrimination in the Religion Clauses that is codified and expanded upon in the Religious Land Use and Institutionalized Persons Act of 2000. The municipal ordinance that purportedly conferred unbridled discretion on the local Planning Board also violates the Due Process Clause of the Fourteenth Amendment.

ARGUMENT

I. This case exemplifies precisely why Congress enacted the Religious Land Use and Institutionalized Persons Act.

Passed unanimously by Congress and signed into law by President Clinton in 2000, the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. § 2000cc-1, is a federal civil rights statute designed to provide “heightened protection” for the free exercise of religion—particularly in the area of “land-use regulation.” *Cutter v. Wilkinson*, 544 U.S. 709, 714, 715 (2005). Congress sought to remedy a pattern of unconstitutional restrictions on religious exercise created by highly discretionary or patently discriminatory local land-use laws. It held nine separate hearings over three years to examine the problem. And at the end of this exhaustive process, Congress determined that such abuses required a federal remedy.

As a result of its hearings, Congress made several important findings. Congress determined that religious organizations “cannot function without *a physical space adequate to their needs* and consistent with their theological requirements. The right to build, buy, or rent such a space is an indispensable adjunct of the core First Amendment right to assemble for religious purposes.” 146 Cong. Rec. S7,774-01 (daily ed. July 27, 2000) (Joint Statement of Sens. Hatch & Kennedy) (emphasis added). Congress also found that religious organizations “are frequently

discriminated against on the face of zoning codes and also in the highly individualized and discretionary processes of land use regulation.” *Id.*

Thus, RLUIPA was necessary because land-use regulation can threaten religious liberty when states delegate authority “to nonprofessionals operating without procedural safeguards.” *Sts. Constantine & Helen Greek Orthodox Church, Inc. v. City of New Berlin*, 396 F.3d 895, 900 (7th Cir. 2005) (citation omitted). When land-use “codes permit churches only with individualized permission from the zoning board,” local governments can “use that authority in discriminatory ways.” 146 Cong. Rec. S7,774-01. Compounding the problem, unlawful intent is difficult to prove and may “lurk[] behind such vague and universally applicable reasons as traffic, aesthetics, or ‘not consistent with the city’s land use plan.’” *Id.* This problem is especially acute for “new, small, or unfamiliar churches,” which are “frequently discriminated against on the face of zoning codes and also in the highly individualized and discretionary processes of land use regulation.” *Id.*

Recent litigation trends confirm this finding. They demonstrate that the number of RLUIPA cases involving mosques is disproportionate to the percentage of Muslims in the U.S. population. From 2011 through 2015, “more than 25 percent

of RLUIPA investigations have involved mosques or Islamic schools”¹—even though Muslims make up about one percent of the country’s population.² And in just 3 years, from 2008 through 2011, the Pew Forum on Religion and Public Life documented 37 zoning disputes involving mosques around the country.³ These statistics demonstrate that the need for RLUIPA is particularly acute in the context of land-use disputes involving mosques.

II. The unequal treatment of the Islamic Society of Basking Ridge violates RLUIPA’s nondiscrimination provision.

RLUIPA has four distinct provisions designed to protect religious exercise in the land-use context. Three of those provisions—found in Section 2(b)—prohibit various forms of discrimination, both overt and subtle. Section 2(b)(1), the “equal terms” provision, forbids the government from treating religious assemblies or institutions on “less than equal terms” with *non*-religious assemblies and

¹ Eric W. Treene, *Zoning and Mosques: Understanding the Impact of the Religious Land Use and Institutionalized Person Act*, 23 *The Public Lawyer* 1, 4 (Winter 2015),

http://www.americanbar.org/content/dam/aba/administrative/state_local_governme nt/zoningandmosques.authcheckdam.pdf

² Besheer Mohamed, *A New Estimate of the U.S. Muslim Population*, Pew Research Center (Jan. 6, 2016), <http://www.pewresearch.org/fact-tank/2016/01/06/a-new-estimate-of-the-u-s-muslim-population/>.

³ Pew Research Center, *Controversies Over Mosques and Islamic Centers Across the U.S.*, Religion (Sept. 27, 2012), <http://www.pewforum.org/2012/09/27/controversies-over-mosques-and-islamic-centers-across-the-u-s-2/>.

institutions. 42 U.S.C. § 2000cc(b)(1). Section 2(b)(2) bars discrimination against any assembly or institution “on the basis of religion or religious denomination.” 42 U.S.C. § 2000cc(b)(2). And Section 2(b)(3) bars the government from totally excluding or unreasonably limiting houses of worship. 42 U.S.C. § 2000cc(b)(3). In addition to the nondiscrimination provisions, a fourth provision—Section 2(a)—prohibits the government from imposing a “substantial burden” on religious land use unless the government satisfies strict scrutiny. 42 U.S.C. § 2000cc(a)(1). This “substantial burden” provision “backstops the explicit prohibition of religious discrimination in the later section of the Act, much as the disparate-impact theory of employment discrimination backstops the prohibition of intentional discrimination.” *Sts. Constantine*, 396 F.3d at 900.

One key difference among these provisions is that the nondiscrimination provisions (Section 2(b)) are strict liability offenses. As the Third Circuit has explained: “Since the Substantial Burden section includes a strict scrutiny provision and the Discrimination and Exclusion section does not . . . this ‘disparate exclusion’ was part of the intent of Congress and not an oversight.” *Lighthouse Inst. for Evangelism, Inc. v. City of Long Branch*, 510 F.3d 253, 269 (3d Cir. 2007) (citing *Russello v. United States*, 464 U.S. 16, 23 (1983) (“[W]here Congress includes particular language in one section of a statute but omits it in another section of the same Act, it is generally presumed that Congress acts intentionally

and purposely in the disparate inclusion or exclusion.”)). Because the nondiscrimination provisions are strict liability offenses, purported justifications offered by the government are irrelevant.

RLUIPA’s four provisions thereby codify and expand upon the nondiscrimination principle embodied in the Free Exercise and Establishment Clauses of the First Amendment along with the Equal Protection Clause of the Fourteenth Amendment. In decisions pre-dating RLUIPA’s enactment, the Supreme Court described the animating principle of the Religion Clauses as “denominational neutrality”—that is to say, one religious denomination should not be favored or preferred over any other religious denomination. *Larson v. Valente*, 456 U.S. 228, 246 (1982); *see also Epperson v. Arkansas*, 393 U.S. 97, 104 (1968) (“The First Amendment mandates governmental neutrality between religion and religion.”); *Sch. Dist. of Abington Twp., Pa. v. Schempp*, 374 U.S. 203, 305 (1963) (“The fullest realization of true religious liberty requires that government . . . effect no favoritism among sects”) (Goldberg, J., concurring); *Fowler v. Rhode Island*, 345 U.S. 67, 69 (1953) (finding First Amendment violation where religious service of Jehovah’s Witnesses was treated differently than religious service of other sects under park ordinance “[t]hat amount[ed] to the state preferring some religious groups over this one”); *Niemotko v. Maryland*, 340 U.S. 268, 272-73 (1951) (finding First and Fourteenth Amendment violation where park was open to

all religious groups but denied to Jehovah's Witnesses). The *Larson* Court explained that the "clearest command of the Establishment Clause," namely that "one religious denomination cannot be officially preferred over another," is "inextricably connected with the continuing vitality of the Free Exercise Clause." *Larson*, 456 U.S. at 244-45. That is so because free exercise rights can only be ensured when government officials "are required to accord to their own religions the very same treatment given to small, new, or unpopular denominations." *Id.* at 245.

Thus, even before RLUIPA's nondiscrimination provision was enacted into law, it was a quintessential violation of the First Amendment to apply different legal standards to different religious groups, because such action would result in "the sort of official denominational preference that the Framers of the First Amendment forbade." *Id.* at 255; *see also Colo. Christian Univ. v. Weaver*, 534 F.3d 1245 (10th Cir. 2008) (McConnell, J.). When Congress enacted RLUIPA, the nondiscrimination provision further clarified that government is prohibited from imposing unequal standards "on the basis of religion or religious denomination." 42 U.S.C. § 2000cc(b)(2).

The Fifth Circuit applied these principles in the pre-RLUIPA case of *Islamic Ctr. of Miss., Inc. v. City of Starkville*, 840 F.2d 293 (5th Cir. 1988). There, a zoning ordinance prohibited the use of buildings as churches unless the city

granted an exception. *Id.* at 297. The Islamic Center of Mississippi applied for an exception, but the city rejected it, citing neighborhood complaints about “congestion, parking, and traffic problems.” *Id.* at 296 (internal quotations omitted). Yet the city had approved numerous exceptions for Christian churches, including one located next door to the Islamic Center. The Fifth Circuit held that the differential treatment of the Islamic Center violated the Free Exercise Clause: “[T]he City has advanced no rational basis other than neighborhood opposition to show why the exception granted all other religious centers was denied the Islamic Center.” *Id.* at 302. But as the Fifth Circuit explained, “neighborhood opposition” is not a legitimate basis for differential treatment. The record was abundantly clear that the city did not act in a “religiously neutral manner.” *Id.* Thus, the city violated the Free Exercise Clause because it had “favored Christian churches over Muslim mosques,” *id.* at 294, and “applied different standards to approving a Muslim mosque than it had adopted for worship facilities of other faiths,” *id.* at 303.

The post-RLUIPA decision in *Hollywood Cmty. Synagogue, Inc. v. City of Hollywood, Fla.*, 430 F. Supp. 2d 1296, 1319 (S.D. Fla. 2006)—which similarly involved the discriminatory application of a discretionary land-use law against a single house of worship—is also instructive. There, the city denied a special exception application for a Jewish synagogue. The synagogue alleged that “there were ten other house of worship Special Exception applications filed with the City

in the last twenty years, and not one except the Synagogue's was denied." *Id.* Indeed, the city had never previously denied a request by a place of worship to operate in a residential zone until it denied the synagogue's application. *Id.* This, the court, held, was sufficient to make out a claim of discrimination under RLUIPA. *Id.* at 1321.⁴

Defendants' discriminatory treatment of the Islamic Society of Basking Ridge's (ISBR) proposed mosque is more blatant than that faced by the Hollywood Community Synagogue. The Planning Board admits to applying the 3:1 parking ratio in Township Ordinance § 21-22.1 to all other land-use applicants, including all other houses of worship. Answer ¶ 127; *see also* ¶¶ 244, 249-250, 257-258, 269-270 (detailing differential treatment of a church and two synagogues). For ISBR alone, however, the Planning Board required more than double the number of parking spaces—107, instead of the 50 required by the 3:1 ratio. *Id.* ¶ 149. ISBR was the first and only mosque to apply for approval, and the first and only applicant to be subject to an individualized (and wholly discretionary) parking

⁴ Few cases have applied this provision, in part, because issues of religious discrimination are often resolved on other grounds, such as the Equal Protection or Free Exercise Clauses. *See, e.g., Reaching Hearts Int'l, Inc. v. Prince George's Cty.*, 584 F. Supp. 2d 766, 782 (D. Md. 2008), *aff'd*, 368 Fed. App'x 370 (4th Cir. 2010) (upholding a jury's verdict of discrimination under the Equal Protection Clause, where the county denied zoning relief in part because of "religion-based public sentiment").

requirement. *Id.* ¶ 127. Indeed, Defendants admit that they treated ISBR differently precisely because it is a mosque. *Id.* Treating a mosque differently than any other house of worship is discrimination on the basis of religious denomination, and that violates RLUIPA’s nondiscrimination provision.

III. The Parking Ordinance unconstitutionally confers unbridled discretion to the Planning Board.

The Fourteenth Amendment’s Due Process Clause requires that citizens be afforded fair warning of proscribed conduct. Vague laws pose three major problems:

First, if a law does not “give the person of ordinary intelligence a reasonable opportunity to know what is prohibited,” it may trap the innocent. *Trade Waste Mgmt. Ass’n, Inc. v. Hughey*, 780 F.2d 221, 235 (3d Cir. 1985) (citing *Grayned v. City of Rockford*, 408 U.S. 104, 108-09 (1972)) (quotations omitted).

Second, if laws do not provide explicit standards to the officials applying them, there is a risk of “arbitrary and discriminatory enforcement.” *Id.* Vague laws delegate to officials “basic policy matters . . . for resolution on an ad hoc and subjective basis.” *Grayned*, 408 U.S. at 108-09. This risk is especially acute where, as here, unbridled discretion can be used as a way to tacitly disfavor members of a religious minority.

Third, because vague laws do not define the scope of prohibited conduct explicitly, they can “inhibit the exercise of . . . freedoms” in broader scope than necessary. *Id.*

To withstand constitutional scrutiny, statutes or ordinances must supply a “standard that can be objectively applied to determine if the conduct at issue . . . complies with the ordinance’s restrictions.” *Cunney v. Bd. of Trs. of Vill. of Grand View, N.Y.*, 660 F.3d 612, 622 (2d Cir. 2011). The need for objectively clear laws is particularly important in the context of constitutionally protected rights, such as the religious exercise rights in this case. “[T]he most important factor affecting the clarity that the Constitution demands of a law is whether it threatens to inhibit the exercise of constitutionally protected rights.” *Vill. of Hoffman Estates v. Flipside, Hoffman Estates, Inc.*, 455 U.S. 489, 499 (1982). The “free exercise of religion” cannot be subjected to suppression by laws “of the most general and undefined nature.” *Cantwell v. Connecticut*, 310 U.S. 296, 307-08 (1940).

Here, the Township’s Parking Ordinance leaves the parking ratio determination open-ended, subjecting applicants to the unfettered will of the Planning Board, which can demand additional “documentation and testimony” and, “[b]ased upon such documentation and testimony, . . . require that provision be made for the construction of spaces in excess of those required [by the ratios set forth in the ordinance], to ensure that the parking demand will be accommodated by off-street

spaces.” Township Ordinance § 21-22.1. The ordinance does not specify when or why the Planning Board can demand fewer or more parking spaces; it does not control or even guide the Planning Board in its parking determination. This delegation of unbridled discretion to the Planning Board is unconstitutional under the Due Process Clause.

Concerns about vagueness also raise constitutional issues beyond the Due Process Clause and are instructive here. For example, the Supreme Court has discussed the need for explicit statutory standards in the context of First Amendment prior restraints. In *City of Lakewood v. Plain Dealer Publ’g Co.*, 486 U.S. 750, 757 (1988), it held that “[t]he mere existence of the [government’s] unfettered discretion, coupled with the power of prior restraint,” can threaten First Amendment values even if such discretion and power are never actually abused. And in *FW/PBS, Inc. v. City of Dallas*, the Supreme Court reiterated its well-settled unbridled discretion jurisprudence as follows:

[A]n ordinance which . . . makes the peaceful enjoyment of freedoms which the Constitution guarantees contingent upon the uncontrolled will of an official—as by requiring a permit or license which may be granted or withheld in the discretion of such official—is an unconstitutional censorship or prior restraint upon the enjoyment of those freedoms.

493 U.S. 215, 226 (1990) (citation and internal quotation omitted), *holding modified by City of Littleton, Colo. v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004).

As with due process concerns, in the First Amendment context, to withstand a constitutional challenge, the ordinance must provide “narrow, objective, and definite standards to guide the licensing authority.” *Kreisner v. City of San Diego*, 1 F.3d 775, 805 (9th Cir. 1993) (internal citation omitted). Thus, the parallels between vagueness under the Due Process Clause and the First Amendment’s prior restraint jurisprudence demonstrate that the Planning Board’s unbridled discretion here violates the very principle of clarity that the Constitution demands when dealing with the deprivation of a free exercise right.

* * * * *

This case represents exactly what Congress sought to redress with RLUIPA Section 2(b)(2)—a discretionary zoning process discriminating “against any assembly or institution on the basis of religion or religious denomination.” 42 U.S.C. § 2000cc(b)(2). Defendants violated RLUIPA by subjecting the Islamic Society of Basking Ridge—a minority faith unpopular with some in the local community—to a different legal standard than every other house of worship in the community. And the municipal parking ordinance confers unbridled discretion on the Planning Board in violation of the Due Process Clause. Such unequal treatment of the mosque in this case represents a potential threat to the free exercise rights of each of the *amici* represented here and is an affront to our nation’s commitment to religious liberty for all.

CONCLUSION

For the foregoing reasons, the Court should grant Plaintiffs' motion.

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APPENDIX

STATEMENTS OF INTEREST OF *AMICI CURIAE*

The **American Association of Jewish Lawyers and Jurists** (“AAJLJ”) is a membership association of lawyers and jurists open to all members of the professions regardless of religion. It is an affiliate of the International Association of Jewish Lawyers and Jurists. The mission of AAJLJ includes promoting an understanding of the principles of traditional Jewish law among the bar, the judiciary and the public, including an understanding of the relevance and applicability of Jewish law to current legal issues and controversies, through participation as *amici* in appropriate cases, educational programs and other means of outreach. AAJLJ worked alongside other organizations to secure the passage of RLUIPA.

The **Baptist Joint Committee for Religious Liberty** (“BJC”) has vigorously supported the free exercise of religion for all of its 80 years. The BJC serves 15 supporting organizations, including state and national Baptist conventions and conferences. It addresses only religious liberty and church-state separation issues, and believes that strong enforcement of both Religion Clauses and of RLUIPA is essential to religious liberty for all Americans.

The **Becket Fund for Religious Liberty** is a non-profit, public-interest legal and educational institute that protects the free expression of all faiths. The Becket Fund has represented agnostics, Buddhists, Christians, Hindus, Jews, Muslims, Native Americans, Santeros, Sikhs, and Zoroastrians, among others, in lawsuits across the country and around the world. The Becket Fund is widely recognized as one of the nation's leading law firms handling land-use litigation under RLUIPA. It successfully represented the plaintiffs in the first case resolved under RLUIPA. *Haven Shores Cmty. v. Grand Haven, City of, et al.*, No. 1:00-cv-00175 (W.D. Mich. Mar. 3, 2000). Since then, the Becket Fund has litigated suits under RLUIPA across the country. *See, e.g., Elijah Grp., Inc. v. City of Leon Valley, Tex.*, 643 F.3d 419 (5th Cir. 2011); *Rocky Mountain Christian Church v. Bd. of County Comm'rs*, 613 F.3d 1229 (10th Cir. 2010); *Redwood Christian Schs. v. County of Alameda*, 2007 WL 214317 (N.D. Cal. 2007); *Congregation Kol Ami v. Abington Twp.*, 2004 WL 1837037 (E.D. Pa. 2004); *Castle Hills First Baptist Church v. City of Castle Hills*, 2004 WL 546792 (W.D. Tex. 2004); *United States v. Maui County*, 298 F. Supp. 2d 1010 (D. Haw. 2003); *Cottonwood Christian Ctr. v. Cypress Redev. Agency*, 218 F. Supp. 2d 1203 (C.D. Cal. 2002). And the Becket Fund has represented two Muslim communities in land-use disputes: *Albanian Associated Fund v. Twp. of Wayne, N.J.*, No. 06-cv-3217, 2007 WL 4232966

(D.N.J. Nov. 29, 2007) and *United States v. Rutherford County, Tenn.*, No. 12-cv-737, 2012 WL 2930076 (M.D. Tenn. July 18, 2012).

The **Center for Islam and Religious Freedom** (“CIRF”) is a Washington, DC-based non-profit engaging in research, education, media production, and advocacy at the intersection of Islam, Muslims, and religious freedom. Its research focuses on religious freedom perspectives rooted in the traditions of Islam, as well as modern domestic and international law. It leverages this research for seminars and university-based courses. As part of its media production, CIRF translates and disseminates religious freedom media by Muslims in over a dozen languages. In addition to its academic and research-based work, CIRF cultivates the Muslim voice in support of religious freedom and serves as a vehicle for Muslim participation in religious freedom advocacy.

The **Ethics and Religious Liberty Commission** (“ERLC”) is the moral concerns and public policy entity of the Southern Baptist Convention (“SBC”), the nation’s largest Protestant denomination, with over 50,000 churches and 15.8 million members. The ERLC is charged by the SBC with addressing public policy affecting such issues as religious liberty, marriage and family, the sanctity of human life, and ethics. Religious liberty is an indispensable, bedrock value for SBC members. The Constitution’s guarantee of freedom from governmental

interference in matters of faith is a crucial protection upon which SBC members and adherents of other faith traditions depend as they follow the dictates of their conscience in the practice of their faith.

The **Interfaith Coalition on Mosques** (“ICOM”) is an unincorporated association of interfaith, national religious leaders united to protect the religious rights of Muslims. Led by the Anti-Defamation League, ICOM consists of members of many faiths: Catholic, Protestant, Muslim and Jewish. Its primary goal is to stop discrimination against the establishment of mosques in America. ICOM monitors incidents of mosque discrimination, gathers facts and analyzes the information. When necessary, it seeks to intervene in legal proceedings to ensure that courts are properly informed about the legislative history, interpretation and application of RLUIPA.

The **International Mission Board** (“IMB”) is an entity of the Southern Baptist Convention dedicated to taking the gospel of Jesus Christ to all nations and peoples in fulfillment of the Great Commission found in Matthew 28:18-20. The IMB sends thousands of Christian workers overseas to achieve its vision of seeing a multitude of every people, tribe, and tongue from around the world come to worship and exalt Jesus Christ as Lord and Savior.

The **International Society for Krishna Consciousness** (“ISKCON”) is a Vaishnava, or monotheistic faith within the Hindu tradition. ISKCON teaches that the perfection of life is to awaken one’s dormant love for God, the Supreme Person, by practicing bhakti-yoga (devotion) and living according to the principles of truthfulness, cleanliness, austerity, and mercy.

The **Muslim Bar Association of New York** (“MuBANY”) is a member-based professional association serving the educational, professional, and social needs of Muslim lawyers, legal professionals, and law students living and working in the New York metropolitan area. In order to advance and protect the rights of Muslims in America and to create an environment that helps guarantee the full, fair and equal representation of Muslims in American society, MuBANY works actively to combat anti-Muslim and anti-Islamic stereotypes in the media, in the courts, in law enforcement, and in the greater community; educates the local and national community about legal matters affecting the Muslim community; engages in various efforts to promote diversity within the legal and judicial professions; and encourages greater civic participation among Muslim Americans.

The **National Asian Pacific American Bar Association** (“NAPABA”) is the national association of Asian Pacific American attorneys, judges, law professors, and law students, representing the interests of nearly 75 state and local Asian

Pacific American bar associations and nearly 50,000 attorneys who work in solo practices, large firms, corporations, legal services organizations, nonprofit organizations, law schools, and government agencies. Since its inception in 1988, NAPABA has served as the national voice for Asian Pacific Americans in the legal profession and has promoted justice, equity, and opportunity for Asian Pacific Americans. These efforts have included leading on issues of civil rights, including equal rights and non-discrimination. NAPABA opposes discrimination on the basis of actual or perceived religion and recognizes that members of the Asian Pacific American community, including Muslim Americans, have been subject to discriminatory laws and practices in the past.

The **National Association of Evangelicals** (“NAE”) is the largest network of evangelical churches, denominations, colleges, and independent ministries in the United States. It serves 40 member denominations, as well as numerous evangelical associations, missions, nonprofits, colleges, seminaries and independent churches. NAE serves as the collective voice of evangelical churches, their religious ministries, and separately organized evangelical ministries. It believes that religious liberty is a God-given right that is recognized in and protected by the First Amendment and other federal laws, and that church-state separation is a part of our nation’s constitutional structure designed to safeguard

the autonomy of religious organizations. NAE believes that civil government has a high duty to not just protect but to promote religious freedom.

The **New Jersey Muslim Lawyers Association**'s ("NJMLA") purpose is to advance the goals, needs, and interest of Muslim American attorneys in New Jersey. To that end, NJMLA strives to address issues affecting the local and national Muslim American population, educate the local and national community about matters affecting the Muslim community, and advance and protect the rights of Muslims in America. NJMLA further aspires to facilitate networking and the sharing of resources among Muslim attorneys and promote education on issues relevant to Muslim attorneys; promote Muslim participation in public service; encourage Muslims to enter the legal profession and to provide mentorship for Muslims who wish to further their legal careers. NJMLA is a non-profit organization, incorporated under 501(c)(3).

The **Queens Federation of Churches, Inc.**, organized in 1931, is an ecumenical association of Christian churches located in the Borough of Queens, City of New York. More than 390 local churches representing every major Christian denomination and many independent congregations participate in the Federation's ministry. The Federation has appeared as *amicus curiae* previously in a variety of actions to serve the cause of justice. The Federation and its member

congregations are vitally concerned that religious liberty be protected in a way that allows any faith community to formulate and to follow the principles of its faith unmolested by governmental veto.

The **Sikh American Legal Defense and Education Fund** (“SALDEF”) is a national civil rights and educational organization. Its mission is to protect the civil rights of Sikh Americans and ensure a fostering environment in the United States for future generations of Sikh Americans. SALDEF seeks to empower Sikh Americans through legal assistance, educational outreach, legislative advocacy, and media relations. SALDEF believes that it can attain these goals by helping to protect the religious liberties of people of all religious backgrounds. SALDEF speaks here for the religious and expressive association rights of all people and guaranteed protections for all religious institutions.

The **Sikh Coalition** was founded on September 11, 2001, to 1) defend civil rights and liberties for all people; 2) promote community empowerment and civic engagement within the Sikh community; 3) create an environment where Sikhs can lead a dignified life unhindered by bias and discrimination; and 4) educate the broader community about Sikhism in order to promote cultural understanding and create bridges across communities. Ensuring religious liberty for all people is a cornerstone of the Sikh Coalition’s work. The Sikh Coalition files this *amicus* out

of the belief that the rights of religious and expressive association are indispensable safeguards for religious minority communities.

The **South Asian Bar Association of New Jersey** (“SABA-NJ”) is an organization created to represent the interests of South Asian attorneys throughout the state of New Jersey. The SABA-NJ also advocates on broader issues affecting the South Asian community in New Jersey. The SABA-NJ represents a diverse collection of South Asian legal professionals who are knowledgeable, not only with regard to the American legal system, but also with the diverse languages, religions, cultures and special needs of South Asians in New Jersey. The SABA-NJ has affiliated bar associations in 12 states and is also a member of the National South Asian Bar Association (NASABA), which includes in its objectives the protection of rights and liberties of South Asians across the continent.

The **South Asian Bar Association of New York** (“SABANY”) is a membership organization dedicated to serving the needs and interest of South Asian attorneys through programming, education, and career development. SABANY is also dedicated to defending and promoting the civil rights and liberties of the South Asian communities across the New York metropolitan area through advocacy and by supporting the many community-based organizations that serve South Asian communities and individuals.

The **Unitarian Universalist Legislative Ministry of New Jersey** is a New Jersey not-for-profit corporation representing most of the Unitarian Universalist Congregations of New Jersey. It was formed to give voice to Unitarian Universalist humanitarian values in matters of public policy and public interest in New Jersey. Unitarian Universalist congregations are members of the Unitarian Universalist Association of Congregations. Unitarian Universalists share a belief in principles that form the basis of their core humanitarian values. They are not dogma or doctrine, but rather a guide. These principles include a belief in the inherent worth and dignity of every person; a commitment to justice, equity and compassion in human relations; and the right of conscience and the use of the democratic process within our congregations and in society at large.