



Protecting the Religious Freedom of All:

Federal Laws Against Religious Discrimination

“In this Land of equal liberty it is our boast, that a man’s religious tenets will not forfeit the protection of the Laws, nor deprive him of the right of attaining and holding the highest Offices that are known in the United States.”

George Washington

INTRODUCTION

Religious liberty was central to the Founders' vision for America, and is the "first freedom" listed in the First Amendment of the Bill of Rights. A critical component of religious liberty is the right of people of all faiths to participate fully in the benefits and privileges of society without facing discrimination based on their religion.

The Civil Rights Division of the Department of Justice enforces federal statutes that prohibit discrimination based on religion in education, employment, housing, public accommodations, and access to public facilities. In addition, the Civil Rights Division prosecutes bias crimes committed against individuals because of their religion and acts of vandalism and arson against houses of worship. The Civil Rights Division also is authorized to bring suit to enforce the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), which protects individuals and houses of worship from discriminatory and unduly burdensome zoning regulations, and protects the religious exercise of prisoners and other institutionalized persons.

This brochure provides an introduction to the laws against religious discrimination enforced by the Department of Justice, and information on how to report claims to the various sections of the Civil Rights Division and where to learn more about your rights.

Education

- ❖ *A group of students form a Bible club and ask for permission to meet in a classroom before school. While other student-created groups are given meeting space, the Bible club is barred because it is religious.*
- ❖ *Two Muslim sisters are told by a school principal that they cannot wear their hijabs (head-covering scarves) to school due to a no-hats policy, despite the fact that the school has made exceptions to the policy for other students.*
- ❖ *A teacher berates a student in front of the class because he does not share the faith of the teacher and the rest of the class, leading to repeated harassment of the student by other children.*

These examples may be violations of federal law, which prohibits the denial of educational opportunities because of a person's religion. The Division's Educational Opportunities Section enforces these laws in elementary and secondary schools, as well as public colleges and universities. The Educational Opportunities Section's work addresses discrimination in all aspects of education, including curricular and extracurricular activities, the transportation of students, the hiring and placement of faculty and administrators, and distribution of school resources.

If you believe that you or your child has been denied access to an educational program or otherwise discriminated against by a school operated by a state or local government, you can contact the Division's Educational Opportunities Section toll free at (877) 292-3804, or write to: Educational Opportunities Section – PHB, Civil Rights Division, U.S. Department of Justice, 950 Pennsylvania Ave., N.W., Washington, D.C. 20530. Further information is available at www.usdoj.gov/crt/edo.

Employment Discrimination

- ❖ *A Jewish instructor for a county job training program is told that he may not wear his yarmulke while teaching classes.*
- ❖ *A store clerk who is a Seventh-day Adventist is scheduled to work on a Saturday, his Sabbath. Despite the willingness of a coworker with the same level of experience to switch shifts with him, his supervisor tells him that he must work Saturday or be fired.*
- ❖ *A supervisor passes over a qualified Mormon applicant for a job and is later overheard saying to a colleague that he would not feel comfortable working closely with a Mormon.*

These examples may be violations of Title VII of the Civil Rights Act of 1964, which prohibits discrimination against persons based on their religion in hiring, promotion, or in the terms and

conditions of employment. Title VII also requires that employers reasonably accommodate the religious needs of employees, such as Sabbath observance, if it would not be an undue burden on the employer to do so. If you believe that an employer, a labor organization or an employment agency has discriminated against you because of your religion, or has refused to make a reasonable accommodation of your religious needs, you may call the U.S. Equal Employment Opportunity Commission (EEOC) at (800) 669-4000 to be put in contact with the EEOC office nearest you.

The Civil Rights Division handles individual cases of religious discrimination against state and local government employers upon referral from the EEOC. The Civil Rights Division also has authority to bring suit against state or local government employers when there is a pattern of activity or a policy that violates Title VII. If you believe a state or local government has violated your rights under Title VII, you can call the Division's Employment Litigation Section at (202) 514-3831, or write to: Employment Litigation Section, Civil Rights Division, U.S. Department of Justice, 950 Pennsylvania Ave., N.W., Washington, D.C. 20530. Further information is available at www.usdoj.gov/crt/emp.

Housing

- ❖ *An apartment complex has a meeting room that is available for residents to reserve for card games, social activities, and similar*

events. A resident is told that she may not use the room to hold a Bible study with friends.

- ❖ *A Sikh man wearing a turban is told by a landlord that there are no apartments available in a complex, but later the same day the landlord tells other prospective tenants that there are units available.*

- ❖ *A tenant in public housing places a statue of the Virgin Mary on her balcony. Although other tenants are permitted to place similarly sized decorative objects on their balconies, the property manager says that religious items are not allowed in public housing.*

These examples may be violations of the Fair Housing Act, which prohibits discrimination in the sale or rental of housing, including refusal to rent or sell to someone based on his or her religion and discrimination based on religion in the terms, conditions, or privileges of a sale or rental. The Civil Rights Division's Housing and Civil Enforcement Section ((800) 896-7743) handles cases involving either a pattern or practice of discrimination or a denial of rights to a group of persons when such denial raises an issue of general public importance, while the U.S. Department of Housing and Urban Development (HUD) ((800) 669-9777) investigates individual complaints of housing discrimination. The section's mailing address is: Housing and Civil Enforcement Section, Civil Rights Division, U.S. Department of

Justice, 950 Pennsylvania Ave., N.W., Washington, D.C. 20530. Further information is available at www.usdoj.gov/crt/housing.

Public Accommodations and Facilities

- ❖ *A town rents its community center to local groups for meetings, but refuses to rent it to a local Hindu group that wants to hold a Divali festival and a group that wants to hold a Christian music concert. The town tells both groups that it has a no-religious-activities policy at the center.*
- ❖ *Three Buddhist monks go out to a restaurant wearing robes, but the proprietor says “we don’t allow religious clothes in here. Come back when you are dressed normally.”*

These examples may be violations of federal law. Title II of the Civil Rights Act of 1964 prohibits discrimination based on religion in public accommodations, such as restaurants, theaters, and hotels. Title III of the Civil Rights Act of 1964 prohibits discrimination based on religion in public facilities owned or operated by a state or local government. The Division’s Housing and Civil Enforcement Section (contact information above) enforces these statutes and ensures that religious individuals and institutions have equal access to public facilities and accommodations. Further information is available at www.usdoj.gov/crt/housing.

Zoning and Landmarking Laws

- ❖ *A small church is denied a permit to operate out of a storefront in a commercial zone, even though nonprofit groups including fraternal lodges, a dance studio, and a theater company are permitted in the same zone.*
- ❖ *A town's zoning ordinance requires all houses of worship to obtain a variance in order to locate within its borders. While there are a number of churches already in town, every application for a new house of worship since the ordinance was adopted has been denied.*
- ❖ *A rabbi periodically holds prayer meetings in his home with 10 to 15 people. He is cited for zoning violations for operating a house of worship in a residential zone.*
- ❖ *A Hindu congregation is denied a building permit despite meeting all zoning requirements for height, setback, and parking. The zoning administrator is overheard making a disparaging remark about Hindus.*

These examples may be violations of the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), which protects individuals, houses of worship, and other religious institutions from zoning and landmarking laws that substantially burden religious exercise without a compelling government justification. RLUIPA also bars the government from applying zoning

and landmarking laws in a manner that discriminates against particular religions, treats religious assemblies or institutions on less than equal terms than nonreligious assemblies or institutions, or unreasonably excludes houses of worship from a jurisdiction. The Civil Rights Division is authorized to bring suit to enforce RLUIPA. If you believe your rights against discriminatory or unduly burdensome zoning and landmarking laws have been violated, you may contact the Division's Housing and Civil Enforcement Section (contact information above). More information is available at www.usdoj.gov/crt/housing/rluipaexplain.htm.

Religious Exercise of Institutionalized Persons

- ❖ *A prison makes no provision for kosher meals, despite the repeated requests of three Jewish prisoners who have identified a low-cost provider of such meals.*
- ❖ *Catholic prisoners seek space in a prison chapel on Sunday and permission for a volunteer priest to come in to say Mass, but are told that they should attend the nondenominational Christian service run by the prison's Protestant chaplain.*
- ❖ *A Native American prisoner has his medicine bag confiscated during intake to a prison, although other prisoners are permitted to keep rosary beads, crosses, and other physically equivalent small religious items.*

RLUIPA, discussed with regard to zoning and landmarking law above, also contains a provision protecting the religious exercise of inmates and other persons confined to certain institutions. RLUIPA requires that actions by officials which impose a substantial burden on the institutionalized person's religious exercise must be justified by a compelling government interest and must be the least restrictive means available to achieve that interest. The Division's Special Litigation Section ((202) 514-6255) is authorized to bring RLUIPA cases involving institutionalized persons. The mailing address is: Special Litigation Section, U.S. Department of Justice, 950 Pennsylvania Ave., N.W., Washington, D.C. 20530. Further information is available at www.usdoj.gov/crt/split.

Crimes Against Persons and Property

- ❖ *A mosque is spray-painted with anti-Muslim graffiti.*
- ❖ *Shortly after a Jewish family moves into a neighborhood, a brick painted with a swastika is thrown through their window.*
- ❖ *A Sikh man wearing a turban goes to a restaurant, but a group of teenagers loitering in front tells him that if he tries to enter wearing the turban they will beat him up.*
- ❖ *Three white men intentionally set fire to an African Methodist Episcopal church on a*

Saturday night. One of the men later is overheard in a bar laughing about the fire and making racial remarks.

These examples may be criminal violations of federal civil rights laws. It is a federal crime to injure, threaten, or intimidate people because of their religion in order to interfere with their exercise of federally guaranteed rights, such as the purchase or rental of a home, patronage of public accommodations such as restaurants and theaters, use of public parks and other facilities, attendance at a school or college, or participation in government programs. Federal law also criminalizes arson and vandalism against houses of worship committed either because of the race or ethnicity of the group using the property or, in certain circumstances, because of the religious nature of the property. If you have been the victim of a bias-related crime, you should call your local police and the nearest local office of the Federal Bureau of Investigation. You also may call your local U.S. Attorney's office. The FBI and U.S. Attorneys have publicly listed offices in most major cities. In addition, you may call the Criminal Section of the Civil Rights Division at (202) 514-3204. The mailing address is: Criminal Section, Civil Rights Division, U.S. Department of Justice, 950 Pennsylvania Ave., N.W., Washington, D.C. 20530. Further information is available at www.usdoj.gov/crt/crim.

Special Counsel for Religious Discrimination

In order to coordinate cases involving religion-based discrimination among the various sections of the Civil Rights Division, and to oversee outreach efforts to religious communities, the Justice Department has created the position of Special Counsel for Religious Discrimination. If you are unsure which section of the Civil Rights Division to contact, or if you have any problems reaching one of the sections listed above, you may call the Special Counsel's office at (202) 353-8622 (voice) or (202) 514-0716 (TDD), or write to: Special Counsel for Religious Discrimination, Office of the Assistant Attorney General, Civil Rights Division, U.S. Department of Justice, 950 Pennsylvania Avenue, N.W., Room 5531, Washington, D.C. 20530. Further information about the Civil Rights Division's initiatives to fight religious discrimination is available at www.usdoj.gov/crt/religdisc/religdisc.html.



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