



Report on Enforcement of Laws Protecting Religious Freedom

Fiscal Years 2001-2006



U.S. Department of Justice

**Report on
Enforcement of Laws
Protecting Religious Freedom**

Fiscal Years 2001-2006



Office of the Attorney General

Washington, D.C.

February 20, 2007



Dear Reader:

Religious freedom is one of our most cherished inheritances. It is known as the “First Freedom” because our Founders saw fit to place it first in the Bill of Rights. But it is not merely first in order; it is a freedom on which other freedoms rest. As President George W. Bush said in his Religious Freedom Day proclamation last year, “The right to religious freedom is a foundation of America.” He continued, “Our Founding Fathers knew the importance of freedom of religion to a stable democracy, and our Constitution protects individuals’ rights to worship as they choose. We reject religious discrimination in every form, and we continue our efforts to oppose prejudice and to counter any infringements on religious freedom.”

In addition to its important responsibilities of enforcing federal civil rights statutes prohibiting discrimination on the basis of race, sex, disability, and national origin, the Department of Justice is charged with enforcing a wide range of civil rights statutes designed to protect religious liberty: laws barring discrimination against individuals on account of religion in education, employment, housing, credit, public facilities, and public accommodations; laws barring local zoning authorities from discriminating against houses of worship and religious schools, or from imposing unjustifiable burdens on their religious exercise; laws protecting the religious rights of persons in state institutions; and criminal statutes such as the Church Arson Prevention Act that make it a federal crime to attack a person or a place of worship based on religion.

This report summarizes the Department’s accomplishments during this Administration to protect religious liberty through enforcement of civil rights laws. Early in the Administration, the Department of Justice for the first time established a Special Counsel for Religious Discrimination to ensure that laws protecting religious freedom are enforced vigorously. The Department’s recognition that these laws deserved greater attention has resulted in a dramatic rise in the number of cases brought to protect the religious rights of all Americans in category after category, as outlined in this report. Just as important as these enforcement statistics, however, are the types of cases brought. The Department has made a sustained effort through the cases it brings to demonstrate to the public and to state and local officials the variety of ways in which the law protects religious liberty. For example, the Department filed a lawsuit to protect the right of a Muslim student to wear a headscarf while attending public school, brought the first pattern-

or-practice discrimination lawsuit against a government entity to require it to accommodate employees' need to refrain from work on the Sabbath, defended in numerous cases the right of religious groups to meet in public facilities on an equal basis with secular groups, and defended the right of seniors to pray, sing religious songs, and hold Bible studies at a community senior center.

But this should be only the beginning. Preserving religious liberty requires an ongoing commitment to protecting this most basic freedom for people of all faiths. It is my hope that this report will help educate the public, community and religious leaders, and government officials about the range of religious freedom rights that all Americans possess, ways that these rights can be respected, and the Department's dedication to protecting them.

Sincerely,

A handwritten signature in black ink, appearing to read "A. R. Gonzales". The signature is fluid and cursive, with a large initial "A" and "R".

Alberto R. Gonzales
Attorney General

Message from the Attorney Generali

I. Introduction to Religious Freedom Laws Enforced by the Department1

 A. Background.....1

 B. Responding to a Need3

II. Enforcement Results 2001-20067

 A. Education7

 B. Employment13

 C. Housing and Lending Discrimination17

 D. Public Accommodations and Public Facilities21

 E. RLUIPA – Land Use25

 F. Rights of Institutionalized Persons31

 G. Crimes Against Persons and Property Based on Religion33

 H. Religious Liberty in the Courts of Appeals.....37

III. Outreach41