

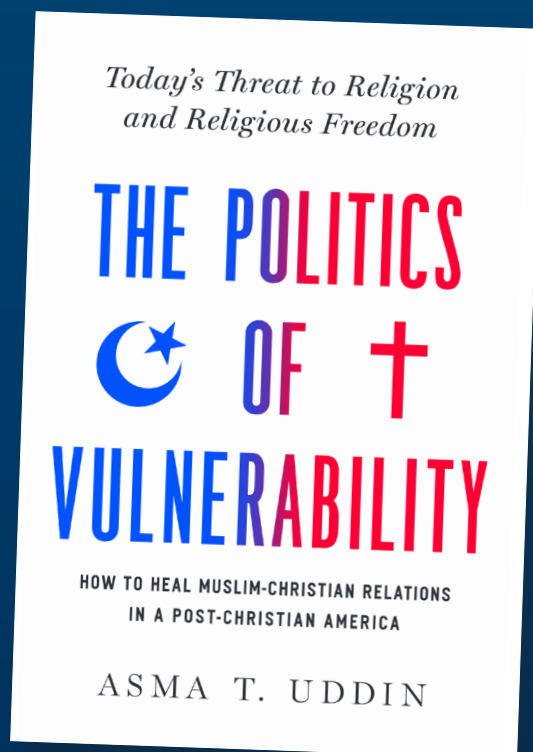


INCLUSIVE AMERICA PROJECT

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# CHRISTIAN-MUSLIM RELATIONS IN A TRIBALIZED AMERICA: STRATEGIES FOR HEALING

BY ASMA T. UDDIN



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# Introduction

*Written by the Inclusive America Project*

The Inclusive America Project (IAP) is committed to creating a society where religious communities and non-believers fully embrace America's ideals by engaging and thriving together with mutual trust and respect. The ability of multiple cultures and faiths to live side by side within the context of a larger, shared society—or pluralism—is a fundamental tenet of democracy.

"Pluralism" at its core means an appreciation of difference. Yet, American pluralism is under threat as Americans are deeply divided on issues extending past policy differences to a wide swath of traits and preferences, including religion, race, ethnicity, and gender. Without spaces and places where conversations

Across all of our divides, one of the most complicated is the relationship between Muslims and conservative white evangelical Christians. This relationship has not always been so contentious, and as this report outlines, it doesn't have to continue down this path.

about difference can happen respectfully, these issues threaten the survival of American democracy itself. Across all of our divides, one of the most complicated is the relationship between Muslims and conservative white evangelical Christians. This relationship has not always been so contentious, and as this report outlines, it doesn't have to continue down this path.

In 2020, IAP brought on author, attorney, and religious liberty specialist Asma T. Uddin as IAP Fellow for Religious Freedom to lead the Politics of Vulnerability Project. The Project, based on Uddin's *Politics of Vulnerability* book, seeks to use religious freedom as a paradigm to bring Muslims and evangelicals in the United States into conversation with each other around their constitutional religious freedom rights, the prominent challenges to those rights, and the impacts that deprivation of those rights would have on both communities. The Project explores whether this shared "vulnerability" with regard to threats to religious liberty opens up a new space for dialogue between Muslim and evangelical communities to explore common values and goals.

This report provides a framework for engagement that considers how group identity and intergroup bias contribute to the divide between evangelicals and Muslims in America. Through Uddin's

work analyzing and deconstructing these factors, strategies for engagement and healing emerge. For all Americans concerned with nurturing a society that appreciates differences and fosters religious pluralism, the strategies outlined here are critically important.

# Executive Summary

## Written by the Inclusive America Project

Asma T. Uddin first lays out a short and readable summary of her *Politics of Vulnerability* book, explaining what social science says about group identity and bias, and how those characteristics have shaped the dynamic of Muslim-evangelical relationships today. In essence, American political identities have swept up conservative white evangelical Christians and Muslims into opposing camps as part of the broader culture wars. This has concretized hostility and distrust, particularly that of evangelicals toward Muslims.

Uddin then uses those same social psychological factors to illuminate strategies for healing by reducing perceptions of threat so that the in-group (in this context, evangelicals) is less likely to react to the out-group (American Muslims) with hostility. She argues persuasively that the divide will begin to heal if Muslims and evangelicals find common ground in the area of religious liberty.

To get there, Uddin proposes small group discussions that first walk participants through **self-affirmation**, then build **tolerance** and **empathy**, identify shared **superordinate goals** of religious freedom, and finally **unsort** themselves by complexifying stereotypes and finding surprising points of convergence related to religion and religious freedom. For these discussions, Uddin provides resources, articles, and examples that ground contentious issues in concrete details of human lives.

This set of activities is a flexible and adaptive framework and may be adjusted as necessary for a particular group. The order laid out here is meant to take participants who are entrenched in opposing sides through a series of changes over several encounters. Some groups may be at different starting points, not requiring the first stages of discussion. Additionally, while it may be helpful for participants to read this report, it is not strictly necessary as long as they engage fully with the case materials and each other.

# The Divide

## Group Identity and Political Mega-Identities

Much of our understanding of group dynamics is based on a series of experiments conducted by social psychologist Henri Tajfel in the 1970s. Through a series of experiments, Tajfel found that people exhibit discriminatory intergroup behavior in a way that created the biggest gap between their group and the out-group. More than any other motivator, believing they were winning is what drove people's behavior toward people outside their group.

Social scientists [explain](#) that this sort of group loyalty is core to who we are as humans.<sup>1</sup> Group loyalty helps people avoid the strong psychological and physical effects of rejection. [Studies have shown](#) that we don't just experience social isolation or stigma psychologically; these experiences also trigger a physical assault on our body.<sup>2</sup> What this means in practice is that, even evolutionarily, humans are programmed to signal their allegiance to their tribe as a way of avoiding the loneliness and stress that comes with being cast out.

Our allegiance to our political tribes is no different. Elections can become pure team rivalry. Similar to Tajfel's findings, other studies have found that in the election context, winning is what's most important and Americans are driven by what they oppose rather than what they support. For example, [a 2016 Pew study](#) found that "very unfavorable views" of the Democratic Party increased voting much more than a "deeper affection" for the Republican Party. Among Americans who are highly engaged in politics, this disparity became even starker—the more they hated the other side, the more likely they were to donate money to their own party.<sup>3</sup> This may explain why politicians focus so much of their messaging on generating fear and hatred of the other party.

In our present political climate, these group rivalries pose ever more serious implications because of what Lilliana Mason in [Uncivil Agreement: How Politics Became Our Identity](#) calls the emergence of "mega-identities": "A single vote can now indicate a person's partisan preference as well as his or her religion, race, ethnicity, gender, neighborhood, and favorite grocery store. This is no longer a single social identity. Partisanship can now be thought of as a mega-identity, with all the psychological and behavioral magnifications that implies."

This is the difference between sorting and polarizing. The first is issue-based polarization—we cluster together based on our policy opinions. The second is identity-based polarization—we cluster together based on political identities. As Ezra Klein explains in [Why We're Polarized](#), "our political identities are polarizing our other identities, too," and issue conflicts are just one of many expressions of that hostility.<sup>4</sup>

In this ever-widening circle, almost nothing is apolitical anymore. This includes religion and diverse religious communities. In the U.S. today, Muslims—and especially liberal advocacy on behalf of Muslims—are traits of the liberal mega-identity and opposition to Muslims is a trait of the conservative mega-identity. And conservative Christians indisputably belong to the conservative mega-identity.

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1 Saul McLeod, "Social Identity Theory," Simply Psychology, 2019. <https://www.simplypsychology.org/social-identity-theory.html>

2 Lilliana Mason, *Uncivil Agreement: How Politics Became Our Identity* (Chicago: University of Chicago Press, 2018), p. 139.

3 "Partisanship and Political Animosity in 2016," Pew Research Center, June 22, 2016. <https://www.pewresearch.org/politics/2016/06/22/partisanship-and-political-animosity-in-2016/>

4 Ezra Klein, *Why We're Polarized* (New York City: Simon and Schuster Publishing, 2020), p 68.

## Intergroup Bias and Perceptions of Threat

Muslims and conservative Christians are in opposing groups and are parties unfortunately prone to severe intergroup bias. Studies show that in-group favoritism doesn't always result in out-group bias. That is, you can extend trust, cooperation, and empathy to your in-group, but not the out-group, and while this is a form of discrimination, it doesn't involve any sort of aggression or hostility toward the out-group.<sup>5</sup>

But tribalism in the religious context has been shown to result in out-group hostility. And there is evidence that Muslims, more than any other religious out-group, are the targets of this hostility. Perceptions of threat are part of the reason why. Oxford political scientists Miles Hewstone, Mark Rubin, and Hazel Willis write: "the constraints normally in place, which limit intergroup bias to in-group favoritism, are lifted when out-groups are associated with stronger emotions." Stronger emotions include things like feeling the out-group is moving against you: "an out-group seen as threatening may elicit fear and hostile actions." Whereas "high status" groups (groups that are a numerical majority and have power) don't feel threatened by minorities when the status gap is very wide, they are more likely to feel threatened when the status gap is closing. In the U.S. today, the Christian in-group does not feel the status gap is wide, and they have good reason to feel this way.

First, white preponderance is on the decline. In 1965, white Americans constituted 84 percent of the U.S. population and now Pew says white Americans will be a minority by 2055.<sup>6</sup> In 1996, white Protestant Christians still made up two-thirds of the population.<sup>7</sup> Today, they don't even constitute a majority. What's more, the decline of white Protestant America has brought with it a perceived end for some to the cultural and institutional world built primarily by white Protestants in the United States.

With this perceived end nearing, conservative white evangelicals feel besieged, and just as studies on intergroup bias predict, that vulnerability is being turned against the out-group. One aspect of this is revealed in surveys comparing perceptions of discrimination against Christians versus Muslims. In 2019, Pew found that Democrats and those who lean Democratic "are more likely than Republicans and Republican leaners to say Muslims face at least some discrimination in the U.S. (92% vs. 69%) ... At the same time, Republicans are much more likely than Democrats to say evangelicals face discrimination (70% vs. 32%)."<sup>8</sup> In 2017, the Rasmussen Report<sup>9</sup> and PRRI found very similar discrepancies.<sup>10</sup>

## Religious Freedom and Religious Polarization

Unfortunately, the hostility goes beyond merely dismissing anti-Muslim discrimination to outright hostility, and even attempts at limiting Muslims' religious rights. At a time when religious freedom is often utilized to protect Christian interests in the U.S., some Christians use it to also exclude Muslims from the American fabric. Uddin documented this in detail in her 2019 book, *When Islam Is Not a Religion: Inside America's Fight for Religious Freedom*. There, she explained how some conservative Christians deny the religious character

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5 Miles Hewstone, Mark Rubin, and Hazel Willis, "Intergroup Bias," *Annual Review of Psychology*, 53:1 (2002): 575-604.

6 "Modern Immigration Wave Brings 59 Million to U.S., Driving Population Growth and Change Through 2065," Pew Research Center, September 28, 2015. <https://www.pewresearch.org/hispanic/2015/09/28/modern-immigration-wave-brings-59-million-to-u-s-driving-population-growth-and-change-through-2065/>

7 "In U.S., Decline of Christianity Continues at Rapid Pace," Pew Research Center, October 17, 2019. <https://www.pewforum.org/2019/10/17/in-u-s-decline-of-christianity-continues-at-rapid-pace/>

8 David Masci, "Many Americans See Religious Discrimination in U.S. – Especially Against Muslims," Pew Research Center, May 17, 2019. <https://www.pewresearch.org/fact-tank/2019/05/17/many-americans-see-religious-discrimination-in-u-s-especially-against-muslims/>

9 "Democrats Think Muslims Worse Off Here Than Christians Are In Muslim World," Rasmussen Reports, February 7, 2017. [https://www.rasmussenreports.com/public\\_content/politics/general\\_politics/february\\_2017/democrats\\_think\\_muslims\\_worse\\_off\\_here\\_than\\_christians\\_are\\_in\\_muslim\\_world](https://www.rasmussenreports.com/public_content/politics/general_politics/february_2017/democrats_think_muslims_worse_off_here_than_christians_are_in_muslim_world)

10 Daniel Cox and Robert P. Jones, "Majority of Americans Oppose Transgender Bathroom Restrictions," Public Religion Research Institute, March 10, 2017. <https://www.prii.org/research/lgbt-transgender-bathroom-discrimination-religious-liberty/>

of Islam in order to strip Muslims of religious freedom—including, for example, the right to build houses of worship, utilize religious arbitration to settle personal disputes, wear religious garb, etc.

Political scientists Daniel Bennett and Logan Strother [explored this phenomenon in their work](#). In one study, respondents were told that the government had blocked a house of worship.<sup>11</sup> The house of worship was first described generically, then described as an evangelical church, and in the third scenario it was a mosque. When Bennett and Strother compared how respondents felt about protecting the house of worship, they

learned that if you liked Muslims more than evangelicals, you were more interested in protecting the mosque. On the flipside, only 40 percent of respondents who felt more warmly toward evangelicals wanted to help the mosque.

[In another study](#), political scientist Andrew Lewis looked at how conservatives and liberals respond to religious liberty claims differently depending on how the information is presented to them. First, respondents read about Muslim truck drivers who had to choose between transporting alcohol in violation of their religious beliefs or losing their jobs. Respondents then learned that either a well-known liberal or conservative law firm was representing the truck drivers in court.<sup>12</sup>

Lewis found that Democratic respondents were more supportive of the religious freedom claims when they were told a liberal law firm represented the drivers. They were also more likely to support conservative Christian claims after they were exposed to religious freedom claims by Muslims. As for conservative respondents, they were less likely to shift attitudes in support of Muslims but were marginally more likely to support them if a conservative law firm was defending the Muslim claimants versus, say, the unambiguously liberal ACLU.

**In a polarized culture, where our mega-identities rule, if liberals penalize anti-Muslim speech, conservatives make sure not to. It's not that Republicans are above penalizing speech, they just don't do it for Muslims—partly because Democrats do that, and Republicans don't want to be like Democrats.**

That last finding reflects the opposing political mega-identities that are involved. Conservatives are not only opposed to Muslims as a religious out-group, but when Muslims work with liberals (as they often do), they are also opposed as a political out-group. A few other studies bear out this point: First, [in a study published in 2016](#), a group of political scientists at Brigham Young University (BYU) measured Americans' levels of unease with and willingness to sanction negative speech about different religious groups. They found that Democrats "express the greatest unease—and the greatest willingness to sanction those who make the disapproving comments—with statements about Jews and Muslims."

But they also found that Republicans exhibit "exceptionally low levels of discomfort with and unwillingness to sanction negative comments about Muslims." In a polarized culture, where our mega-identities rule, if liberals penalize anti-Muslim speech, conservatives make sure not to. It's not that Republicans are above penalizing speech, they just don't do it for Muslims—partly because Democrats do that, and Republicans don't want to be like Democrats.

11 Daniel Bennett and Logan Strother, "Which groups deserve religious freedom rights? It depends on what you think of the groups," *Religion in Public*, January 3, 2019. <https://religioninpublic.blog/2019/01/03/which-groups-deserve-religious-freedom-protections-it-depends-on-what-you-think-of-the-groups/>

12 Kelsey Dallas, "On National Religious Freedom Day, consider the double standard on religious freedom—and why it's a problem," *Deseret News*, January 16, 2019. <https://www.deseret.com/2019/1/16/20663521/on-national-religious-freedom-day-consider-the-double-standard-on-religious-freedom-and-why-it-s-a-p>



The BYU researchers found exactly these group dynamics: "partisans of different stripes express strikingly distinctive patterns of concern." They also found that the groups differed the most on the Muslim question: Muslims "most readily experience the effects of group-based religious bias."<sup>13</sup> Republicans "sanctioned [penalized] disparaging statements about every religious group but one: Muslims. Whereas more than 70% of Republicans sanctioned statements about all other religious groups ... only 38% of Republicans sanctioned commentators making statements about Muslims."

The researchers used social identity theory to explain their findings. Depending on which group you belong to, you face different social costs when you penalize negative speech about Muslims. For Republicans, the social costs—repudiation by their tribe—are highest for penalizing anti-Muslim speech. For Democrats, the social costs for the same thing are much lower, and the social benefits much higher.

A series of studies conducted between November 2015 and June 2016 also highlight these costs and benefits. [The University of Maryland conducted three national polls measuring Americans' views about Islam and Muslims.](#)<sup>14</sup> The last survey was done just days after the June 2016 Pulse nightclub shooting in Orlando, Florida, where a Muslim attacker killed 49 people and wounded 53 others. The polls found that Americans' attitudes about Muslims improved between each of the three surveys, even after the Orlando shooting.

But the positive upward movement depended on one's party affiliation. [Republicans stayed relatively fixed across all three polls, whereas Democrats' views rose by 12 points.](#)<sup>15</sup> Commenting on the findings in 2016, Shibley Telhami of the Brookings Institution noted the political context: "To agree with the view that Islam and terrorism are tightly linked ... is to take Trump's side of the political divide. On the one hand, this means that his core supporters will likely embrace his opinions ... On the other hand, those who oppose him have the tendency to reject his view in part because it's his and because he is using it for political gain. It's less about Islam and Muslims, and more about taking political sides."

That last line—"it's less about Islam and Muslims, and more about taking political sides"—gets at the fact that Muslims are treated or even seen less as Muslims, and more as proxies in a liberal-conservative fight. Favorable views of Muslims are traits of the Democratic mega-identity and negative views are traits of the Republican mega-identity.

[A 2011 Faith Matters survey connected this anti-Muslim posture to the demographic threat.](#)<sup>16</sup> Respondents were first asked whether religion was gaining or losing influence and then asked if that was a good thing or a bad thing. They were later also asked whether they would support the building of a mosque in their community. The results: Those who saw religion as losing influence were less supportive of the mosque, and especially so if they also thought the loss of religion was a bad thing. In other words, feelings of threat around the changing face of America are related to anti-Muslim sentiment.

Similarly, researcher Saeed Khan in 2016 compiled extensive data linking state anti-Muslim legislation and legislation targeting other progressive issues. His study [connected support](#) for so-called "anti-sharia law" bills (bills that restrict Muslim religious arbitration) with support for policies restricting voter access and abortion rights, anti-immigration proposals, and bans on same-sex marriage.<sup>17</sup> Based on his findings, Khan says "it is unhelpful to view Islamophobia as an isolated phenomenon in America." Instead, we have

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13 Christopher J. Karpowitz, Quin Monson, and Kelly Patterson. "Who's In and Who's Out: The Politics of Religious Norms," *Politics and Religion*, (2016): 508-536.

14 "UMD Poll Sheds Light on American Attitudes Surrounding Orlando, the Middle East & U.S. Election," Division of Research, University of Maryland, July 13, 2016. [https://research.umd.edu/news/news\\_story.php?id=9786](https://research.umd.edu/news/news_story.php?id=9786)

15 Shibley Telhami, "Measuring the Backlash Against the Muslim Backlash," *Politico Magazine*, July 11, 2016. <https://www.politico.com/magazine/story/2016/07/measuring-the-backlash-against-the-muslim-backlash-214034/>

16 Robert D. Putnam, Thomas Sander, and David E. Campbell, "Faith Matters Survey, 2011," Association of Religion Data Archives, (n.d.). <https://www.thearda.com/Archive/Files/Descriptions/FTHMAT11.asp>

17 "Canaries in a Coal Mine: Islamophobia Is a Threat to All," Institute for Social Policy and Understanding, 2018. <https://www.ispu.org/wp-content/uploads/2018/10/Canaries-in-a-Coal-Mine-2018-1-converted-1-2.pdf?x11106>

to situate it in the "general malaise affecting a significant portion of the population, that is, the so-called 'culture wars.'"<sup>18</sup> This "deep anxiety around the changing demographic nature of American society and the approaching demographic tipping point ... is the wider domestic context in which anti-Muslim prejudice and animus operate."

Social scientists have, in various contexts involving group identity and perceptions of threat, devised strategies for healing. The next section explores a few such strategies as applied to the unique context of Christian-Muslim relations.

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<sup>18</sup> Interview on file with author.

# Strategies for Healing

Understanding the social psychology involved in the Christian-Muslim divide makes clear that healing requires disrupting the mechanisms of out-group hostility. Out-group hostility results when the in-group feels threatened. As such, to counteract that hostility, strategies for healing must focus principally on reducing perceptions of threat.

The following methods can be employed in group contexts where conservative evangelicals and Muslims (particularly those who are disinclined to make common cause with evangelicals) are brought together. Participants agree to principles of discussion, then walk through five activities of self-affirmation, tolerance, empathy, superordinate goals, and finally unsorting. Each activity builds on the previous one, using social psychological methods to break down feelings of difference and then find common ground.

The first few strategies are amenable to application beyond these two groups, but the discussion of superordinate goals is specific to the Christian-Muslim dynamic.

Group sizes should remain small (between 6-10, divided equally between each group) to allow for more intimate or personal conversations and connections. The discussions can take place in community centers, at think tanks, or any other space that is not associated with a particular faith or political viewpoint/ideology. Gathering participants in such “neutral” spaces ensures that participants do not have unequal feelings of familiarity versus unfamiliarity, comfort versus threat (that is, the venue should not be associated with one “team” or another). Having a trained facilitator is nice, but not necessary. Discussions may be led by any neutral party after review of the materials below.

The following principles of good argument, defined by Aspen Institute’s [Better Arguments Project](#), should be discussed and agreed upon by all participants to help to set the tone for the following five activities.<sup>19</sup>

- 1. Take Winning off the Table:** Frame the discussion as being fundamentally about the reinstitution of civility. It is not about one side winning and the other side losing; it is about working toward common community.
- 2. Prioritize Relationships and Listen Passionately:** Working toward common community means the exchange is about the people at the core of it. Let go of winning and focus on relationships with the participants by really listening to what they have to say.
- 3. Pay Attention to Context.** Ask specific questions about the participants’ culture in order to better understand where they are coming from.
- 4. Embrace Vulnerability.** Step out of your comfort zone/echo chamber and embrace the vulnerability you feel when sharing your thoughts and experiences with people outside the circles that confirm your worldviews.

These four principles help facilitate real transformations for all involved. The goal, again, is not winning or even reaching resolution; instead, the goal is to change how Muslims and evangelicals across the religious and political divide engage with one another in order to build common community.

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19 “Our Approach,” The Aspen Institute: The Better Arguments Project, (n.d.) <https://betterarguments.org/our-approach/>

Once these principles are understood and agreed by all, the leader or facilitator should walk participants through the series of activities below. This set of activities is a flexible and adaptive framework and may be adjusted as necessary for a particular group. The order laid out here is meant to take participants who are entrenched in opposing sides through a series of changes over several encounters. Some groups may be at different starting points, not requiring the first stages of discussion. Additionally, while it may be helpful for participants to read this report, it is not strictly necessary as long as they engage fully with the case materials and each other.

Some participants may not be ready to engage in this sort of conversation—it is at the root of our tribalized society that few are willing to take the risks of stepping out of their echo chambers. To that end, we begin with the activity and strategy of self-affirmation, which may help create the necessary willingness.

## Self-affirmation

This project posits that evangelicals feel threatened in the face of a culturally changing America. Studies have connected low self-esteem to American patriotism and stronger religious identification—but also to destructive ideologies that make enemies of the out-group. What is more, people who turn to their groups for affirmation want those groups to be homogenous so they can isolate themselves from the “other” as much as possible. That type of sorting is political polarization at its core. Self-affirmation theory talks about this threat of a culturally changing America as damaged self-esteem, or self-uncertainty, and is premised on the basic fact that when people feel low self-esteem, they seek alternative ways to boost it. One powerful alternative is to turn to one’s group for a sense of affirmation.

To counter this tendency, social psychologists have experimented with methods that remind people of their own self-worth, a technique called self-affirmation.

Even though self-affirmation should not be related to whatever is damaging one’s self-esteem, it does still have to be an important aspect of one’s identity. In the case of collective identity, it has to be something that reminds the person of “who we are.” The point is to rewire self-identity and develop a larger view of the collective self so that one feels securer and more aware that the group’s dignity and integrity are not in fact under threat.

Various studies have found that when people self-affirm, they stop responding defensively to others. For example, one study looked at Americans’ responses to the 9/11 attacks.<sup>20</sup> It first found that Americans generally responded in one of two ways. They either uncritically embraced their American national identity and saw the United States as a force for good in the world (the researchers labeled these Americans “patriots”), or they looked more critically at American foreign policy in the Middle East and the potential connection between the policies and the attacks (the “anti-patriots”).

In the absence of self-affirmation, patriots were far more critical of the report than the anti-patriots were (there was a 34 percent variance in their openness to the report). But when the participants self-affirmed before reading the report by writing an essay about an important value unrelated to their national identity, the patriots became more open to the report. And, as we will see later, if self-affirmation can lead to positive intergroup relations (or “contact”), those interactions may serve as their own source of affirmation.

In the religious freedom context, self-affirmation might help Christian in-group leaders resist the urge to hyperinflate threats to Christians and develop a broader awareness of discrimination against religious minorities.

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20 David K. Sherman and GeoVrey L. Cohen, “The Psychology of Self-Defense: Self-Affirmation Theory,” *Advances in Experimental Social Psychology*, 38 (2006): 183-242.

## Self-Affirmation Activity:

People can self-affirm about their individual identity or their collective identity (for example, their membership in a racial group or their citizenship in a country) through a series of steps. First, people report an important value or life domain—their relationships with their friends or family, making art or music, a charity they are dedicated to, etc. Second, they write an essay about this important aspect of their life or engage in some other exercise that allows them to assert how important it is to them. What the person chooses to self-affirm cannot be related to the provoking threat. For example, one cannot write about how compassionate they are after they have acted uncompassionately—that sort of self-affirmation creates more dissonance.

After participants have self-affirmed, they will be prepared to more openly engage in tolerance- and empathy-building exercises and discuss shared goals and shared areas of concerns.

Write a few brief paragraphs on an aspect of yourself that you take pride in. For example, is there something you excel at and through which you connect with like-minded others?

## Tolerance

Intolerance is about specific beliefs, practices, or ways of living that the in-group disapproves of. It can be group-based if the entire out-group endorses—or is perceived as endorsing—the disapproved belief or practice. But the focus is always on specific actions, rather than hating a category of people as people. In the context of U.S. debates about religious liberty and sexual freedom, liberals don't hate conservatives as a group so much as *they disapprove of conservatives' beliefs and practices* related to gay marriage, contraception, abortion, etc.<sup>21</sup>

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21 Arthur Brooks, "Our Culture of Contempt," *The New York Times*, March 2, 2019. <https://www.nytimes.com/2019/03/02/opinion/sunday/political-polarization.html>

In such a case, there are two possible outcomes when an in-group disapproves of the out-group's beliefs or practices. The in-group can decide the belief or practice is unacceptable and try to prevent it. Or it can decide that some higher goal requires their tolerance; in our case study, that would be like saying, "We don't agree with you, but religious freedom gives you the right to act according to your beliefs." Liberals can decide to endure conservatives' practices, even as they continue to vehemently disapprove of them. Nothing about tolerance requires diluting one's own convictions.

### Tolerance-Building Activity:

Describe a series of cases with diverse religious claimants that share the same legal principles. The cases should include matters typically opposed by conservatives (for example, challenges to anti-sharia laws) and cases typically opposed by liberals (for example, *Burwell v. Hobby Lobby*, a case explanation is included in the appendix of this report).

Participants should review relevant materials individually and as a group. A discussion among participants should then include identifying the lower and higher goals each religious group brought to the case, any surprise or other emotion(s) they felt while reviewing the case, and what circumstances made it possible for this diverse group of religious claimants to come together.

### Empathy

Co-existence with people who have widely variant beliefs and practices often requires more than tolerance. Empathy is also essential. Whereas tolerance implies a "putting up with" dissenting beliefs and practices, empathy goes further in trying to understand where the other person is coming from. Dictionaries define "empathy" as the "intellectual identification of the thoughts, feelings, or state of another person"<sup>22</sup> or the "ability to share in another's emotions, thoughts, or feelings."<sup>23</sup> Or as one expert describes it, empathy in our engagement with others means that "what is present before the listener is not merely an argument, but a person."<sup>24</sup>

A February 2019 *New York Times* article, "They Have Worked on Conflicts Overseas. Now These Americans See 'Red Flags' at Home," tells the story of a group of conflict resolution experts who spent their careers working on conflicts abroad and are now turning their focus to the US.<sup>25</sup> They see "warning signs" here, "flashes of social distress" that look familiar to what they had seen in conflict zones abroad. As one expert explained: "People are making up stories about 'the other' — Muslims, Trump voters, whoever 'the other' is ... 'They don't have the values that we have. They don't behave like we do. They are not nice. They are evil' ... That's dehumanization. And when it spreads, it can be very hard to correct."

The experts decided to start tackling the problem by running dialogue sessions where a small group of people came together "not to change minds, but to broaden them." No one was persuading the other to accept their political views; instead, the idea was to get the "participants to see one another as people." When the groups met, the conflict experts started by applying a basic rule of psychology: First help people feel heard and acknowledge their dignity, then take on harder topics like politics. The "group was able to talk about hard things because of what came before: the feeling that the other side had heard them and that they had become, in a fundamental way, equals." As one facilitator explained, they all expected it to be harder than it actually was. "I really learned that no matter how differently we think or vote, if we take a moment to see the

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22 "Tolerance vs Empathy – what's the difference?," WikiDiff, Accessed July 21, 2020. <https://wikidiff.com/empathy/tolerance>

23 "Empathy," Your Dictionary, Accessed July 21, 2020. <https://www.yourdictionary.com/empathy>

24 Padmasiri De Silva, "Tolerance and Empathy: Exploring Contemplative Methods in the Classroom," *Religious Tolerance, Education and the Curriculum*, 2011.

25 Sabrina Tavernise, "They Have Worked on Conflicts Overseas. Now These Americans See 'Red Flags' at Home," *The New York Times*, February 4, 2019. <https://www.nytimes.com/2019/02/04/us/conflicting-experts-peacebuilders.html>

other person for who they are, as somebody with a family and a story, that made the hard stuff easier.” She characterized the process as “having a hard conversation in a soft place.”

### Empathy-Building Activities:

Reach out to individuals who can come join your group to speak on cases that include anti-sharia or *Hobby Lobby* type-challenges. Ask these speakers to share how their faith is important to them and the particular legal matter implicated in those deeply-held beliefs. These speakers do not have to be involved directly in these cases, but simply share the same beliefs and practices as the litigants.

After hearing from speaker, lead participants in a discussion about what they understand and do not understand about these religious beliefs and the role they play in the believer’s life.

### Superordinate goals

Creating “superordinate goals” is a social science approach to reducing prejudice. The theory was first tested by husband-and-wife team Muzafer and Carolyn Wood Sherif, both of them social psychologists, when they brought a group of boys to a camp where they were split into two groups that would compete with each other at first (producing “intragroup solidarity and intergroup rivalry”) and then given a common goal to increase intergroup solidarity.

Mason in *Uncivil Agreement* says that superordinate goals have been hard to identify in a hyper-partisan context. Shared goals require some level of trust in authorities; people want to know that the people in charge are working in their interest. It’s harder and harder, Mason says, to find a cross-cutting issue that unifies Democrats and Republicans over and above the partisan rancor.

But religious freedom might be the cross-cutting issue we need. Recall Lewis’ findings that “priming” liberals with Muslims’ religious claims made them less opposed to evangelicals claims. “Liberals are essentially saying, ‘Oh, I hadn’t thought about that in this context. It’s not just about the Christians, now it applies to all groups.’” In other words, liberals who are dedicated to protecting vulnerable minorities begin to understand that the goal is unachievable if evangelicals aren’t protected, too. The implication for conservatives is that if they want liberals to support them, conservatives need to increase their own support for Muslims’ religious freedom.

As attorney Luke Goodrich argued in *Free to Believe*, his book for a conservative evangelical readership, evangelicals have a legal stake in protecting the religious freedom of Muslims.<sup>26</sup> Under a section titled “Self-Interest,” Goodrich explains how legal cases involving widely divergent fact patterns all rely on one another. For example, the evangelicals in *Hobby Lobby* won in large part because the court relied on *Abdulhaseeb v. Calbone*, a case involving a Muslim prisoner who was denied a halal diet in prison. The court said that just as the government had wrongly required the Muslim prisoner to choose between his faith and not eating, so also the government required the owners of Hobby Lobby to choose between their faith and millions of dollars in fines.<sup>27</sup>

For superordinate goals to work, it is really important that groups are not made to feel like their identity is being threatened or minimized. People have to be able to hold onto their distinctiveness **even as they let go of their prejudices**.<sup>28</sup> Just as with tolerance measures, we tolerate others’ practices without accepting or even approving of them, so too with working together toward shared goals. The point isn’t to erase differences, but to live among and with diversity.

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26 Luke Goodrich, *Free to Believe: The Battle Over Religious Liberty in America* (New York: Penguin Random House, 2019).

27 “Abdulhaseeb v. Calbone,” Opinion and Case Details from Casetext, February 24, 2006. <https://casetext.com/case/abdulhaseeb-v-calbone>

28 Hewstone, Rubin, and Willis. “Intergroup Bias.”

## Activities for Discovering Superordinate Goals:

Lead participants through closely parallel legal case studies. In contrast to the cases described in the tolerance exercises, these ones will be less politically divisive. Examples:

1. **Religious garb**
  - a. Sikh men in turbans; Amish women in bonnets; Catholic women in habits; Muslim women in hijab; Jewish and Muslim men with beards.
2. **Houses of worship**
  - a. Challenges to churches, synagogues, mosques, and gurdwaras. How were the claims against these communities the same? Different?
3. **Prison**
  - a. Kosher and halal meals.
  - b. Christian and Muslims' access to religious material and communal gatherings in prison.

## Unsorting

Unsorting is about complicating how we group ourselves and others into opposing camps. Unsorting creates a “partisan dealignment” and reveals “cross-cutting cleavages.” In the Christian-Muslim context, this process is aided when we begin to understand American Muslims for their fuller complexities.

One way to do this that, which we are beginning to see signs of in the national discourse, is around gay marriage and homosexuality. In that conversation, Muslims and evangelicals can often be pitted against each other, with Muslims indisputably on the liberal or Democratic team. But as commentators are increasingly pointing out, the reality is far more complex.

It is true, [according to the Pew Research Center](#), that Muslims' support for same-sex marriage is growing, particularly among Muslim millennials (who include those people who were born from 1981 to 1999 and came of age after 9/11).<sup>29</sup> But, religiosity is not the driving factor here; on coalition-building with LGBTQ groups, [ISPU's 2020 American Muslim Poll](#) found that political ideology and party affiliation are key drivers whereas religiosity has no predictive power.

That said, there is work being done on the religion front, too. A number of Muslim scholars in America are reinterpreting Islamic sources on same-sex relations and a few Muslim organizations are creating opportunities for gay Muslims to worship and engage meaningfully in the community. These initiatives, along with changing attitudes among Americans generally and, again, partisanship, help explain the broad acceptance by American Muslims of homosexuality and same-sex marriage.

But [it is also](#) true that Muslims' openness to homosexuality is in tension with traditional Islamic law, which doesn't prescribe punishments for homosexual desire, but does for homosexual behavior.

And despite growing acceptance, many American Muslims still hold conservative positions on homosexuality based on a [2020 report by the Institute for Social Policy and Understanding](#). Fifty-five percent of Muslims oppose forming political alliances with LGBTQ activists.<sup>30</sup>

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29 Jeff Diamant and Claire Gecewicz, “5 facts about Muslim Millennials in the U.S.,” Pew Research Center, October 26, 2017. <https://www.pewresearch.org/fact-tank/2017/10/26/5-facts-about-muslim-millennials-us/>

30 Dalia Mogahed and Erum Kalimullah, “American Muslim Poll 2020: Amid Pandemic and Protest,” Institute for Social Policy and Understanding, October 1, 2020. <https://www.ispu.org/american-muslim-poll-2020-amid-pandemic-and-protest/>



Similarly, the reality of evangelical views on homosexuality is also complex. [A survey from Pew Research Center](#) found that over a third (36%) of evangelical protestants say homosexuality should be accepted, and the difference is even more pronounced when divided by age group. For example, 66% of those under 50 believe homosexuality should be accepted while 56% of those over 50 believe it should be discouraged.<sup>31</sup>

This topic of shifting sexual mores is one among several others that can be used to explore cross-cutting alliances that defy the usual group boundaries. The idea is to understand each group for its fuller experiences in order to complicate stereotypes and find new, surprising points of convergence. This last exercise also serves as a form of “mindfulness” that makes concrete to participants the role of media portrayals in forming stereotypes each side holds about the other.

### Unsorting Activities:

Lead participants through an open discussion about shared challenges to religion in the U.S. public square. These challenges could include topics like:

1. **Shifting sexual norms**
2. **Corporatization of religion**
3. **Religion and secularism**
4. **Media distortions of their respective religions**

After selecting one of the above challenges, or similar, invite participants into discussion with one another. First, explore what stereotypes are most well-known to participants and common in national discourse on that particular issue. After stereotypes are identified, participants should interrogate where those stereotypes emerged from, what factors lead to their prevalence, and what true, but less well-known factors exist for the groups involved.

Participants should be open to discussing these topics on a personal level. Do they fit into a stereotype on the selected shared challenge? What is true and untrue about that stereotype, and how does it affect their relationships or participation in the public square?

The goal of this activity is to uncover the fuller truths about perceived groups and stereotypes to better understand opinions and beliefs on shared challenges to religion among American Muslims and evangelicals.

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31 “Views about homosexuality among Evangelical Protestants,” Pew Research Center, (n.d.). <https://www.pewforum.org/religious-landscape-study/religious-tradition/evangelical-protestant/views-about-homosexuality/>

# Conclusion

Americans today are deeply divided by a wide range of issues. We no longer differ merely on policy issues, but instead have developed “mega-identities” that encompass a wide swath of traits and preferences, including our religion and our response to other religions. The role of such political tribalism in the evangelical-Muslim divide cannot be ignored and must be grappled with directly to effectuate change. The theories and the strategies for healing outlined in this report are important steps toward that change.

The following funders have generously supported Uddin's fellowship at the Inclusive America Project:



# Appendix

## Free to Believe: The Battle Over Religious Liberty in America – “Self-Interest” Excerpt

[Excerpt] by Luke Goodrich, 2019, Penguin Random House Publishing

### Self-Interest

Recall how you felt while reading about the “church” in Michigan that faced hostile opposition from Muslims. Angry? Alarmed? Worried that something similar might happen to you or your church?

These feelings are not necessarily bad. They’re natural.

Houses of worship of various faiths face similar problems all the time.

Of course, bomb threats and arson attacks are rare. But unjust obstacles to building houses of worship are not.

I offered two examples from churches in Texas and Colorado. But in the late 1990s, Congress systematically examined this problem and found “massive evidence” of widespread discrimination against churches. So Congress enacted a new law to address it, called the Religious Land Use and Institutionalized Persons Act (RLUIPA). (It’s pronounced ar-LOO-puh or RUH-loo-puh, depending on whom you ask.)

RLUIPA gives religious groups special protection from zoning laws. It prohibits the government from treating a “religious assembly” (like a church) worse than a “nonreligious assembly” (like a movie theater or private club). It prohibits the government from treating some religious groups (like Muslims) worse than others (like Christians). And it prohibits the government from imposing a substantial burden on any religious group unless the government has a powerful justification for doing so.

My law firm, Becket, won the nation’s first case under RLUIPA and since then, the law has protected thousands of religious groups across the country – from Jews in Florida to Sikhs in California to Muslims in New Jersey to Christians in almost every state.

Critically, RLUIPA applies to all these religions equally. So, if the government blocks a mosque based on the hostility of neighbors in Tennessee, it creates a precedent for blocking a church based on the hostility of neighbors in Michigan. Conversely, if a court protects the mosque, it sets a precedent that protects churches.

This happens in my cases all the time. When I won the zoning case for the small Christian church in Texas, my argument rested primarily on a case involving a Jewish synagogue in Florida. The Florida court ruled that it violated RLUIPA to allow “private clubs” in the business district but not a synagogue. The Texas court then adopted the same logic, saying that, like the synagogue, the Church and a private club must be treated the same. Simply put, a victory for Jews led to a victory for Christians.

This principle is easy to understand in zoning cases because all houses of worship face the same basic problem: they’re unpopular in the zoning context.

But the principle also holds true in other cases, even when they seem to have nothing to do with each other. Take my law firm’s victory in *Hobby Lobby*, where the Supreme Court ruled that the owners of a family business couldn’t be forced to pay for abortion-causing drugs in violation of their conscience. The court of appeals ruled in our favor based primarily on a case called *Abdulhaseed v. Calbone*, which involved a Muslim prisoner who was denied a halal diet in prison. According to the court, just as the government had forced the Muslim prisoner to choose between violating his faith and not eating, so also the government was forcing the owners of Hobby Lobby to choose between violating their faith and paying multimillion-dollar fines. Hobby Lobby, the

court said, faced “precisely the sort of Hobson’s choice described in *Abdulhaseed*. In other words, a victory for a Muslim prisoner led straight to victory for the Christian family business Hobby Lobby.

The same principle also works in reverse: a loss for non-Christians often leads directly to losses for Christians. The prime example is the landmark *Smith* decision, where the Supreme Court ruled that the government could punish Native Americans for using peyote in their religious ceremonies. The precedent set in *Smith* led directly to our loss in *Stormans*, where the court held that the government could punish Christian pharmacists for refusing to sell abortion-inducing drugs. (Notably, the three best precedents we relied on in *Stormans* all involved religious minorities: Jews who faced a land-use problem, Santeros who wanted to engage in animal sacrifice, and a Muslim police officer who wanted to grow a beard.) The *Smith* decision has also led to losses in many other religious freedom cases – demonstrating that religious freedom for Native Americans is vitally important for Christians.

In short, Martin Niemoller’s famous lines about the Holocaust apply equally to religious freedom:

First they came for the [Muslims], and I did not speak out –

Because I was not a [Muslim]

Then they came for the [Native Americans], and I did not speak out –

Because I was not a [Native American].

Then they came for the Jews, and I did not speak out –

Because I was not a Jew.

Then they came for me – and there was no one left to speak for me.

In a very real sense, if we ignored religious freedom for Muslims, Native Americans, Jews, and others, we’re undermining it for ourselves. And if we defend religious freedom for non-Christians, we’re defending it for ourselves.

## Free to Believe: The Battle Over Religious Liberty in America – “Hobby Lobby” Excerpts

[Excerpts] by Luke Goodrich, 2019, *Penguin Random House Publishing*

### *Hobby Lobby and the Little Sisters of the Poor*

In 1970, David and Barbara Green founded a small arts-and-crafts store in their garage. That family business, called Hobby Lobby, has since grown to over eight hundred stores in forty-seven states. As devout Christians, the Greens seek to honor God in everything they do, including by “operating the company in a manner consistent with Biblical principles.” They close on Sundays, start their workers at over twice the minimum wage, and donate millions of dollars to charity.

The Little Sisters of the Poor are Catholic nuns devoted to caring for the elderly poor. They operate homes for the elderly poor in over thirty countries, including the United States. In every home, they care for the elderly poor as if caring for Christ Himself.

What the Greens and Little Sisters have in common is that they both became the target of a government regulation that would have forced them to be complicit in abortion in violation of their faith. Both took their cases to the Supreme Court, and both won. I had the privilege of helping represent them.

The government regulation at issue was part of the Affordable Care Act (a.k.a. Obamacare), and it required the Greens and the Little Sisters to use their health-insurance plans to provide their employees with all forms of FDA-approved contraception – including drugs and devices that could cause an abortion. If they refused to comply, they would owe millions of dollars in fines to the IRS.

Because of their religious belief that life begins at conception, the Greens and Little Sisters couldn’t comply.

So they asked the courts to protect them.

Our lawsuits were based on a federal law we've already discussed – the Religious Freedom Restoration Act (RFRA). As you may recall from chapter 4, RFRA was designed to fix the Supreme Court's bad decision in *Smith*, which rejected the religious use of peyote by Native Americans. RFRA says that if *any* law imposes a substantial burden on religion, the government must prove that the law is justified by a powerful governmental interest. (In other words, the Greens and the Little Sisters *didn't* have to prove targeting like the Stormans family did. More on that later.)

When we got to the Supreme Court, the government argued that it hadn't substantially burdened the Greens' or Little Sisters' religion because it wasn't directly requiring them to participate in an abortion; it was merely requiring them to provide health-insurance plans, which employees could then use to access abortion-causing drugs. The government also argued that free access to contraception was a powerful governmental interest that couldn't be accomplished without using the Greens' and Little Sisters' insurance plans.

In response, the Greens and the Little Sisters argued that using their insurance plans to provide abortion-causing drugs would still make them complicit in abortion in violation of their religious beliefs, and that forcing them to do so on pain of multimillion-dollar fines was a substantial burden on their religion. They also argued that the government had many other ways to provide access to contraception without using their health-insurance plans – such as by using the government's own health-insurance marketplaces or the government's own family-planning programs.

The Supreme Court agreed with the Greens and the Little Sisters. It said the government wasn't allowed to second-guess the Greens' and Little Sisters' religious beliefs about what would make them complicit in an abortion; rather it said that was “a difficult and important question of religious and moral philosophy” for religious individuals to decide. It also said the government could find other ways of providing access to contraception. As Justice Kennedy wrote, religious freedom means “more than just freedom of belief... It means, too, the right to express those beliefs...in the political, civic, and economic life of our larger community.

After our victories in the Supreme Court, the government did find a way to increase access to contraception without forcing the Greens or the Little Sisters to violate their religious beliefs. It adopted rules protecting the Greens and the Little Sisters while allowing their employees to obtain free contraception from a government program called Title X. Religious freedom and access to contraception didn't have the conflict.

### **The Supreme Court's Lesson**

The *Hobby Lobby* and *Little Sisters* cases reveal several important lessons. First, they teach us that laws like RFRA matter. Without RFRA, the Greens and the Little Sisters would have had to prove that the government was intentionally targeting them because of their religious beliefs. That is often a tall order, as the case of the courageous pharmacists (*Stormans*) shows. But under RFRA, the burden of proof flips to the *government* to show that burdening people's religion is the only way to accomplish an extremely important governmental goal. That's a tall order for the government – and it's often the difference between winning and losing a case.

Given that difference, you might wonder why the courageous pharmacists didn't case their lawsuit on RFRA like the Greens and the Little Sisters did. The reason is that RFRA is a *federal* law that applies to actions only of the *federal* government. The courageous pharmacists, however, were challenging a state regulation, so they couldn't rely on RFRA. And their state – Washington – hasn't adopted a state-level version of RFRA.

Second, these cases teach us that religious freedom extends beyond the four walls of our homes or churches and includes our ministries and businesses. In *Hobby Lobby*, the government argued that it wasn't infringing religious freedom because it was penalizing only a business (*Hobby Lobby*) – and businesses don't have a religion. But the Supreme Court rejected this argument because businesses are owned and operated by people – and people do have religion. So, when the government punishes a business, it is punishing the people who own and operate that business. Finally, these cases teach us that the law can and should create space

for people to disagree. Some people have no moral objection to providing abortion-causing drugs. Others, like the Greens and Little Sisters, do. Their conscience forbids them from participating in the destruction of human life. Forcing them to violate their conscience is wrong, just like forcing the Quakers to violate their conscience is wrong. It's wrong when the interests on the other side are weighty – like when the country is defending itself in time of war. And it's especially wrong when the interests on the other side are slight – like when the government can easily find other ways to provide contraception without forcing conscientious objectors to participate.

## The New York Times: In a Case of Religious Dress, Justices Explore the Obligations of Employers

By Adam Liptak; February, 25th 2015

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WASHINGTON — Justice Samuel A. Alito Jr. on Wednesday warned that “this is going to sound like a joke,” and then posed an unusual question about four hypothetical job applicants. If a Sikh man wears a turban, a Hasidic man wears a hat, a Muslim woman wears a hijab and a Catholic nun wears a habit, must employers recognize that their garb connotes faith — or should they assume, Justice Alito asked, that it is “a fashion statement”?

The question arose in a vigorous Supreme Court argument that explored religious stereotypes, employment discrimination and the symbolism of the Muslim head scarf known as the hijab, all arising from a 2008 encounter at Woodland Hills Mall in Tulsa, Okla.

Samantha Elauf, then 17, sought a job in a children’s clothing store owned by Abercrombie & Fitch. She wore a black head scarf but did not say why.

The company declined to hire her, saying her scarf clashed with the company’s dress code, which called for a “classic East Coast collegiate style.” The desired look, Justice Alito said, was that of “the mythical preppy.”

Ms. Elauf recalled the experience in a statement issued after the argument.

“When I applied for a position with Abercrombie Kids, I was a teenager who loved fashion,” she said. “I had worked in two other retail stores and was excited to work at the Abercrombie store. No one had ever told me that I could not wear a head scarf and sell clothing.”

“Then I learned I was not hired by Abercrombie because I wear a head scarf, which is a symbol of modesty in my Muslim faith,” she added. “This was shocking to me.”

Ms. Elauf, now 24, works at an Urban Outfitters store in Tulsa. A spokeswoman for the Equal Employment Opportunity Commission, which sued Abercrombie on her behalf, said Ms. Elauf was declining interview requests.

A spokesman for Abercrombie & Fitch, Michael Scheiner, said the company “has a longstanding commitment to diversity and inclusion, and consistent with the law has granted numerous religious accommodations when requested, including hijabs.”

The Supreme Court on Wednesday seemed sympathetic to Ms. Elauf’s position, which is that she should not have been required to make a specific request for a religious accommodation to wear a hijab. The company’s position is that it should not have been made to guess that Ms. Elauf wore a head scarf for religious reasons.

In response to Justice Alito’s question about the four hypothetical applicants, Shay Dvoretzky, a lawyer for the company, conceded that some kinds of religious dress presented harder questions, but he said the court should require applicants to raise the issue of religious accommodations.

Several justices suggested that an employer should simply describe its dress code and ask if it posed a problem. That would shift the burden to the applicant, they said. If the applicant then raised a religious

objection, the employer would be required to offer an accommodation so long as it did not place an undue burden on the business.

That approach, Mr. Dvoretzky said, would itself require stereotyping.

But Justice Elena Kagan said that the approach was the lesser of two evils. On the one hand, it could require an “awkward conversation,” she said. “But the alternative to that rule is a rule where Abercrombie just gets to say, ‘We’re going to stereotype people and prevent them from getting jobs.’ ”

Justice Ruth Bader Ginsburg added that Ms. Elauf had not even known that her hijab was a problem.

“How could she ask for something when she didn’t know the employer had such a rule?” Justice Ginsburg said.

The store’s manager at first recommended that Ms. Elauf be hired. But after consulting with a district manager, she concluded that Ms. Elauf’s appearance posed a problem.

The Equal Employment Opportunity Commission said the company had violated the Civil Rights Act of 1964, which prohibits religious discrimination in hiring. At the trial, Ms. Elauf said she loved movies, shopping, sushi and the mall. “It’s like my second home,” she said.

She was saving, she said, to open her own boutique. It would sell “really fashion-forward stuff, cute stuff,” Ms. Elauf said.

Her experience with Abercrombie made her feel “disrespected because of my religious beliefs,” she said. “I was born in the United States and I thought I was the same as everyone else.”

A jury awarded Ms. Elauf \$20,000.

But the United States Court of Appeals for the 10th Circuit, in Denver, ruled for the company. “Ms. Elauf never informed Abercrombie prior to its hiring decision that she wore her head scarf, or ‘hijab,’ for religious reasons,” Judge Jerome A. Holmes wrote for the court.

The company has maintained that it had no reason to know that Ms. Elauf’s head scarf was required by her faith. In its brief in the case, *E.E.O.C. v. Abercrombie & Fitch Stores*, No. 14-86, it said job applicants should not be allowed “to remain silent and to assume that the employer recognizes the religious motivations behind their fashion decisions.”

In an argument about stereotypes, the justices tried out a few examples.

“Suppose,” Justice Kagan asked, “an employer just doesn’t want to hire any Jews, and somebody walks in and his name is Mel Goldberg, and he looks kind of Jewish and the employer doesn’t know he’s Jewish. No absolute certainty, and certainly Mr. Goldberg doesn’t say anything about being Jewish, but the employer just operates on an assumption that he’s Jewish, so no, he doesn’t get the job. Is that a violation?”

Mr. Dvoretzky said that was classic employment discrimination based on religion. But Abercrombie’s dress code was different, he said. It applied neutrally in banning all head coverings.

That was the problem, Justice Ginsburg responded. “They don’t have to accommodate a baseball cap,” she said. “They do have to accommodate a yarmulke.”

The lawyer for the employment commission, Ian H. Gershengorn, sometimes seemed to frustrate at least some of the justices with the fine distinctions he drew. He said employers had to offer accommodations based on a variety of inferences and assumptions.

Justice Antonin Scalia responded, “You’re confusing me enormously.”

Speaking of a hypothetical employer, Justice Scalia said, “You just say he understands. That doesn’t do anything for me, what he understands, knows, believes, suspects. What other verbs do you need?”

But Justice Stephen G. Breyer said the basic inquiry should be easy.

“If the employer correctly infers, correctly understands — and I would add ‘or correctly believes’ — that a practice is religious and an accommodation is necessary, that’s it,” he said. “Then he has to accommodate unless he has one of the excuses under the statute.”

## The New York Times: JUSTICES UPHOLD CURB ON YARMULKE

By Stuart Taylor Jr.; March 26th, 1986

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Broadly asserting the primacy of military discipline over constitutional rights, the Supreme Court ruled today that the military can bar an Orthodox Jewish officer from wearing a yarmulke indoors while in uniform.

The Court ruled 5 to 4 that the military's power to ban all wearing of headgear indoors as part of a uniform dress code prevailed over the religious duty of an Orthodox Jewish rabbi to keep his head covered.

The decision upheld a reprimand and other disciplinary action in 1981 against S. Simcha Goldman, who was an Air Force captain working as a psychologist, for insisting on wearing his yarmulke while on duty.

In another religion case, the Court left unresolved one of the most contentious constitutional issues before it this term: whether student religious groups may hold prayer meetings in school.

The Court ruled 5 to 4 that a former school board member in Williamsport, Pa., had no standing to appeal a Federal District Court decision that upheld student prayer rights. The effect was to reinstate that decision without passing on its correctness.

In upholding the Air Force curf on yarmulkes, the traditional Jewish skullcap, Justice William H. Rehnquist wrote for the majority that courts must give "great deference" to measures deemed necessary by the military authorities to "foster instinctive obedience, unity, commitment and esprit de corps."

"Uniforms encourage a sense of hierarchical identity by tending to eliminate outward individual distinctions except for those of rank," Justice Rehnquist said. In regulating military dress, he added, officials "are under no constitutional mandate to abandon their considered professional judgment" or to accommodate Mr. Goldman's desire to wear "headgear required by his religious beliefs."

Justice William J. Brennan Jr., in a dissent joined by Justice Thurgood Marshall, assailed the Court's "credulous deference to unsupported assertions of military necessity" and said it "evades its responsibility by eliminating, in all but name only, judicial review of military regulations that interfere with the fundamental constitutional rights of service personnel."

"The Court and the military services have presented patriotic Orthodox Jews with a painful dilemma - the choice between fulfilling a religious obligation and serving their country," Justice Brennan said. He said the effect of the dress regulation was to favor "mainstream Christians" over minority faiths that require distinctive dress by their members.

Justices Harry A. Blackmun and Sandra Day O'Connor dissented separately. Problems With Exceptions

Justice John Paul Stevens, concurring with the majority in an opinion joined by Justices Byron R. White and Lewis F. Powell Jr., said difficult problems would be created by an exception to the dress code, even though yarmulkes are "an eloquent rebuke to the ugliness of anti-Semitism."

Justice Stevens stressed that just as Orthodox Jews want to wear yarmulkes, Sikhs want to wear turbans, Rastafarians want to wear dreadlocks and Satchidananda Ashram-Integral Yogis want to wear saffron robes.

Any exceptions to the general military rule against visible deviations from the dress code, Justice Stevens said, would require distinctions between the practices of different religions. And this would risk discriminatory enforcement and undermine "the interest in uniform treatment for the members of all religious faiths."

Justice Brennan argued, however, that the Court's decision, in which Justice Stevens joined, meant that "majority religions are favored over distinctive minority faiths." Legislative Concern

Members of Congress have expressed concern about the military ban on yarmulkes. Today's decision could stir pressure for Presidential or Congressional action to allow yarmulkes.



The case began in April 1981 when Captain Goldman, while working as a psychologist at March Air Force Base in Riverside, Calif., testified at a court-martial wearing his yarmulke.

Although the captain had worn the yarmulke without incident for many months, the prosecutor complained he was violating the dress code, and the base commander ordered him to stop. The captain refused. He was reprimanded, warned that he might be court-martialed for disobedience, and ultimately left the Air Force after his commander withdrew a recommendation to extend his active service.

Mr. Goldman challenged the ban on the "unobtrusive" headgear such as the yarmulke as a violation of his First Amendment right to free exercise of religion, in a suit against Secretary of Defense Caspar W. Weinberger and other officials (*Goldman v. Weinberger*, No. 84-1097.) A Federal district judge here upheld the suit, but a Federal appellate court reversed this decision and upheld the headgear ban. Today's decision affirmed the appellate court.

The Court's decision in the other religion case today was an anticlimactic denouement for a widely publicized issue. Issue of Prayer Meetings

While Chief Justice Warren E. Burger and Justices White, Rehnquist and Powell said in dissent that high school students had a free speech right to hold prayer meetings on the same basis as other extracurricular activities, the five majority Justices expressed no view on that issue.

The case involved religious meetings at a public high school in Williamsport, Pa., initiated in 1981 by a student group called Petros, which officials soon banned based on legal advice.

The students sued the school board, arguing that they had a First Amendment right to hold prayer meetings when other extracurricular activities were taking place.

While the case was pending, Congress passed the Equal Access Act of 1984, requiring school officials to allow students to meet for "religious, philosophical or other" discussions in any high school that allows other extracurricular activities.

A Federal district court upheld the students' lawsuit, but one school board member appealed on his own. His term ended while the appeal was pending, but a Federal appellate court reversed the district court decision and ruled student prayer groups in school unconstitutional.

In an opinion by Justice Stevens, the Court held in *Bender v. Williamsport*, No. 84-773 that "an individual board member cannot invoke the board's interest in the case to confer standing upon himself."

## **The Atlantic: A Fight Over a Tennessee Mosque Has Cost One County \$343,276 (so Far)**

By Abby Ohlheiser; February 13th, 2014

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A years-long legal battle over the very existence of the Islamic Center of Murfreesboro in Tennessee has cost Rutherford County \$343,276 in legal fees, as a group of plaintiffs opposed to the center's existence continue to pursue their lawsuit against the county planning commissioners who approved it. And that number will likely go up as the county's legal team prepares to respond to an appeal request to the U.S. Supreme Court, as the *Tennessean* reported on Wednesday.

Here's the legal battle so far: the plaintiffs in the case, comprised of a group of county residents, argue in the lawsuit that the Rutherford County Regional Planning Commission didn't give enough public notice before approving plans for the Islamic center's construction in 2010. That argument was accepted by local Chancellor Robert Corlew III, but later overruled by the Tennessee Court of Appeals, who found that the planning commission's unanimous decision was by the books. The Tennessee Supreme Court then denied a request for an appeal. Then, Corlew tried to deny the Islamic organization's application for an occupancy permit, resulting in the Department of Justice getting involved in the dispute.

The mosque eventually opened, thanks in part to an order by a federal court, in time for Ramadan in August, 2012. Now, the same group of plaintiffs want the U.S. Supreme Court to rule on whether the DoJ overstepped its boundaries by intervening. The fight will basically never go away.

But even the plaintiffs' legal team admits that the case isn't really about planning commissions. It's about Muslims. The legal team fighting the mosque openly discusses the case in terms of "us" and "them," where "they" are the Islamic population of Murfreesboro. Here's what attorney Joe Brandon, who lives in Murfreesboro, told the *Tennessean* earlier this year:

"I understand that they want Shariah law (ethical codes of conduct for Muslims) in Rutherford County...What is wrong with wanting to ask questions about direct ties to terrorism? What's the harm in that? Why do we have to undergo cavity searches at the airports? It's because of the Muslims."

Although the Islamic Center of Murfreesboro has existed in the town since the early 1980's, the region's Muslim population became the subject of some outrage when the 1,000-strong congregation bought land to build a bigger facility, after their old center became too cramped. Shortly after the planning commission approved construction plans, some residents let their feelings about their neighbors be known.

When the Islamic Center put up a sign on their land announcing that it would be the "future home" of their new building, [someone spray painted](#) "NOT WELCOME" all over it. Construction equipment parked at the site [was set on fire](#). At the first planning commission meeting following the mosque's approval, [angry residents turned up](#) to speak their minds. A local pastor said to the commission that "we have a duty to investigate anyone under the banner of Islam." A homeowner two blocks from the new mosque's new home said of Muslims that "we are fighting these people, for crying out loud, we should not be promoting this." The dispute became a national story, partially because of a similar controversy over Park 51, a then-proposed Islamic center in a building two blocks from the former site of the World Trade Center towers. [Park 51 opened in 2011](#).

Although the Islamic Center of Murfreesboro is in a primarily residential neighborhood, the organization was allowed to build a large complex on its land, thanks in part to a [federal law](#) that lifts many land use and zoning restrictions for religious institutions. Some opponents to the Islamic Center, which included recreational facilities as well as a place of worship, have claimed that the center shouldn't be protected under the U.S. Constitution's First Amendment and therefore any religious freedom law [because they believe Islam isn't a religion](#).

## The Atlantic: The Quiet Religious Freedom Fight That is Remaking America

By Emma Green; November 5th, 2017

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A CHURCH OUTGROWS ITS OLD BUILDING. It finds a vacant warehouse in a middle-class neighborhood, close to the highway and convenient for its congregants. Mortgage money is raised, plans are drawn up, the sale is approved. All that remains is a technicality: securing a zoning-code exemption.

Three years and two lawsuits later, the church is at last in its new building—and out \$1.2 million. It holds services in the lobby because it ran out of money to renovate the room that was to be the sanctuary.

This problem was supposed to be solved. Seventeen years ago, Congress unanimously passed a law, the Religious Land Use and Institutionalized Persons Act, to prevent cities and towns from using zoning as a weapon against groups that want space to worship. At the time, everyone cheered a rare moment of legislative success. In practice, though, few congregations have the time, knowledge, money, or energy to pursue the legal process set up by RLUIPA, leaving many in a desperate limbo with no place to pray.

By the time they take on a zoning challenge, many religious groups are already struggling to find and retain members, and to get by on shoestring budgets. Without an adequate place to gather, they miss opportunities to assemble in study, service, and prayer. The stakes are high for towns, too. Churches, synagogues, and

mosques influence life well outside their walls: People who belong to religious institutions are more civically engaged than their secular neighbors. They are more likely to serve on school boards, volunteer at charities, and join clubs. In the absence of these institutions, communities can become fractured and isolated. Neighborly infrastructure decays.

Sometimes, these stories have a clear villain: anti-Semitic or Islamophobic townspeople who are plainly intolerant of religious difference, or white residents who are hostile toward Christians of color. The congressional testimony on RLUIPA includes alarming anecdotes about local officials acting with hostility toward religious bodies. One New Jersey lawyer recounted a hearing on an Orthodox Jewish group's zoning application where an objector stood up, turned to the yarmulke-wearing crowd, and said, "Hitler should have killed more of you."

These cases of outright bias get the most attention from the U.S. Department of Justice, which has the power to enforce RLUIPA. In addition to protecting the religious rights of prison inmates, the statute forbids state and local governments from placing a "substantial burden" on religious organizations that want to purchase, build, or renovate property. But many land-use disputes aren't about explicit bigotry. They arise from concerns about noise, lost property taxes, and Sunday-morning traffic jams. The effect is largely the same, and can be just as devastating as outright hatred: A religious community is dragged into a lengthy, and costly, dispute with a city or town. Religious groups either give up and move somewhere else or prepare for litigation—and the burdens that come with it.

Fights over religious liberty tend to run hot. They are ignited by disputes over speech and sexuality, hate crimes and school vouchers—issues that divide the American public. But the slow burn of bureaucratic tedium has equal power to test the faith of a congregation. Zoning and land-use conflicts consistently rank among the top reasons why religious organizations end up in court, according to the legal newsletter *Church and Tax Law*. These fights matter because physical spaces matter: They can determine who makes the drive to morning services and who stays home; who remains in the fold and who grows disconnected from their faith; and whether people of all races, classes, and backgrounds are truly welcomed in, or whether the church doors are just too far away for some people to reach.

SOUTH HACKENSACK, NEW JERSEY, IS A SMALL COMMUNITY nestled in Bergen County. Houses here are smaller than those in some of the wealthier enclaves closer to the Hudson River and Manhattan. Latino families socialize with white neighbors. Working-class residents might find themselves in conversation at a gas station or diner with an accountant who commutes to New York.

This range of race and class was one reason North Jersey Vineyard Church was drawn to the township. The charismatic Protestant group prides itself on bringing together a diverse crowd for its music-filled services and small-group Bible studies. It's a friendly, low-key community: The pastor, Phil Chorlian, smiles compulsively between sentences and wears jeans when he preaches.

Chorlian is white, but from the time the church first started meeting at a Holiday Inn in 1997, he was focused on building a community for people who don't necessarily look like him. Today, Chorlian estimates the congregation is about 40 percent Latino, 30 percent white, 20 percent Asian, and 10 percent black—and most are middle- or working-class.

As the church grew, it moved to a small warehouse, then rented a 12,000-square-foot office building. By 2012, it had roughly 600 active members. North Jersey Vineyard started raising money and looking for a building of its own.

Members of the church-leadership team felt called to stay in the southern part of Bergen County, where they felt it would be easier to maintain their racial diversity than in other parts of the area, and where they saw more need for their charitable works. They wanted to be near a highway, with sufficient parking to accommodate the many members who drive to church. Above all, they wanted space. The congregation had grown so large that it required six services every weekend to accommodate all of its worshippers. Children were on top of one another in the daycare area. "I felt so bad for my toddler-room volunteers," said Mary Anne de la Torre, who leads the children's ministry. "They're running after really hyper, sometimes cranky, crying kids. [And] that room was in the hottest corner of the building."

After an extensive search lasting more than a year, the church found a building that met all of its needs: a vacant office at 310 Phillips Avenue, almost three times the size of its old space. It was in a part of town zoned for motels, fast-food restaurants, and outlet stores—but not houses of worship. The seller, a small engineering company, had been trying to find a buyer or tenant for more than a decade, according to court documents. The firm’s owner didn’t think getting an exemption would be a problem, according to Chorlian. “We had been hearing, ‘Oh yeah, it’s going to be a slam dunk.’”

In April 2014, North Jersey Vineyard submitted an application for a “use variance” to South Hackensack’s Zoning Board of Adjustment. The church paid for a traffic assessment, which found that its activities would “not result in any significant negative traffic impacts to the surrounding road network,” according to court documents. It submitted planning and engineer’s reports and volunteered to hire a police officer to direct neighborhood traffic on Sundays.

The request was supposed to be heard in May, but the zoning board couldn’t get enough of its members to show up, so it canceled the meeting. A June meeting was called off for the same reason. Finally, at the end of July, the board heard the church’s case.

Chorlian had prepared carefully. He spoke about Vineyard’s international network of nondenominational churches. He described his congregation’s commitment to service, including the work it had done to restore a nearby trailer park damaged by Hurricane Sandy and its hope to open a food pantry for poor residents of South Hackensack. He expected the hearing would go smoothly.

It did not. “I don’t want to be too pejorative, but it was like I could feel the hostility,” Chorlian said. “I could feel, when I got up there, that they just did not want us there.”

The board members seemed scarred by the traumas of driving in northern New Jersey. “What I, like, flash back to is ... the shopping centers of Paramus opening up on Sunday,” said one member, according to minutes of the meeting. “Nobody wants them there—not because of revenue, because of traffic. People don’t want to be inconvenienced with the noise and stuff on Sunday.” The board also worried that a shared-parking-lot arrangement with the building next door would fall through, leaving North Jersey Vineyard with insufficient spaces. A county known for its stringent, so-called blue laws—prohibitions against consumer activities taking place on Sundays, passed to protect citizens’ rights to religious worship—was now effectively arguing that religious assembly would be too great an inconvenience for the community. In August 2014, the board unanimously voted to deny the use variance.

North Jersey Vineyard faced a choice. It could try to find another building, perhaps one already zoned for religious use. But by that point, the leadership had scoured the area and knew the church’s options were limited. “We wanted to be between Route 4 and Route 46. It’s a fairly narrow strip,” said Bryan Respass, who was serving on the board at the time. “If you move 15 miles, it’ll change the nature of the demographics that you’re in.”

The other option was to sue, a path that carried significant risk. “We had raised about \$1.2 million from the congregation,” said Respass. “Could we go back to the congregation in four years and say, ‘Oh, you know that \$1.2 million? We lost it all, and we don’t have a building.’ You enter into a lawsuit and you know you’re right, but that doesn’t mean you’re going to win.”

In the end, the church board voted to pursue the lawsuit. Their odds of winning were high, its members reasoned, and they saw their case as a fight for all religious groups facing zoning challenges. The church hired Daniel Dalton, a Michigan lawyer who specializes in religious land-use cases. Their suit argued that South Hackensack had substantially burdened the church’s religious exercise and treated houses of worship differently from secular assembly halls, violating RLUIPA and the First and Fourteenth Amendments of the Constitution.

The proceedings took seven months. Eventually, the township agreed to settle. It revised its zoning code and agreed to a new parking arrangement. North Jersey Vineyard finalized its \$3 million purchase of the new building in June 2015.

There was one step left. The South Hackensack Township Planning Board, a separate entity, had to approve the church's "site plan." Yet again, there was a parking dispute: The town planner thought the church needed yet more spaces. The board rejected the site plan in November 2015.

North Jersey Vineyard had now been making mortgage payments on a building it couldn't use for five months. A clutch of North Jersey Vineyard members formed an informal legal cheering squad, faithfully showing up for each hearing. But the leadership was starting to feel burned by the process. "It looks like a large church, but we're still a small church with a relatively small budget. We don't have millions of dollars in the bank," Respass said. "So you're watching your bank account go down. It's stressful. And you feel wronged."

After another year of legal proceedings, the town once again agreed to settle. But the church's victory was qualified. Although religious institutions can seek damages and fees if they win in RLUIPA cases, North Jersey Vineyard agreed to forego any compensation beyond one \$50,000 payment, which covered attorney's fees in the second case. This was only a fraction of its total financial burden, which included more than \$1 million in mortgage payments, property taxes, expert testimony, and other litigation costs.

North Jersey Vineyard had its building. But the \$1.2 million, raised dollar by dollar, was gone. In the sanctuary, a floor plan the church couldn't afford to execute was taped to the wall worshippers would have faced when they prayed.

MANY OF THE GROUPS that wind up at the center of RLUIPA cases have it worse than North Jersey Vineyard. Cases can stretch on for decades, and the majority of religious organizations end up losing: According to Dalton, who wrote a book on RLUIPA, roughly 80 percent of RLUIPA claims filed in federal court fail. "This is a very hard statute to follow," he said. "For the inexperienced, it is easy to lose." An untold number of religious groups never make it to court at all, either because congregations don't realize they have special protections under the law, don't know how to file a claim, or don't have the resources to pursue a case. Many simply walk away from purchasing a property when they discover that it is not zoned for religious use.

North Jersey Vineyard was also spared the ugly bigotry underlying many zoning disputes. Other than a few awkward comments confusing Catholic and Protestant styles of worship, officials in South Hackensack didn't seem to oppose North Jersey Vineyard's purchase based on the congregants' faith. Often, though, zoning books are wielded by intolerant or ignorant officials; about half of RLUIPA disputes involve religious or ethnic minorities, according to Dalton. As a participant in a Department of Justice listening session [recently told](#) government officials, "People don't come into hearings now and say, 'I hate Muslims.' They say, 'The traffic is going to be terrible on [Fridays,]' when Muslims gather for Jumah prayer.

RLUIPA was deliberately constructed so that religious groups don't have to prove intentional discrimination, in part because religious bias can so easily be disguised as procedural quibbling. But in some cases, it's difficult to avoid concluding that bigotry played a role. Take Sterling Heights, Michigan, where a Muslim group wanted to build a new mosque. In 2015, it submitted a land-use application to build a property in a residential area. The rhythms of the case appear similar to those in South Hackensack: decisions postponed, application revisions requested, a surprise denial. This time, though, the community turned out en masse to register its disapproval of the proposed mosque.

Protesters stood across the street from the planned building site, holding signs and chanting. In interviews with local reporters, some residents expressed concern about traffic and property values. Others plainly didn't want Muslims in the neighborhood: "I don't want no mosque anywhere!" one woman [shouted](#). People packed into hearings to voice their objections. When the board voted the proposal down, a crowd of hundreds cheered "God bless America!"

Discrimination takes many forms—occasionally, minority groups perpetuate their own forms of bias. As Azzam Elder, one of the attorneys who represented the Sterling Heights mosque, pointed out, many of the protesters were Chaldean Christians who had recently emigrated to the United States from Iraq, where Christians have themselves faced intense persecution. "People were being spit on in the parking lot. People were being pushed. People were being sworn at," Elder said.

“I think the Muslim cases look more suspicious to DOJ.”

The Muslim group decided to sue the city, and the Department of Justice stepped in, bringing a parallel case on behalf of the mosque. Both suits settled this spring, and the community is now moving forward with construction. But Muslims in Sterling Heights still feel anxious. “They had lived in that community for decades and decades,” Elder said. Now, “their children [are] questioning whether they should stay in the city.”

In recent years, land-use discrimination against Muslims has increased. According to a 2016 Department of Justice report, 15 percent of the agency’s investigations into religion-related zoning disputes between 2000 and mid-2010 involved mosques or Islamic schools. Between mid-2010 and mid-2016, that number jumped to 38 percent. Cases involving Christian denominations still account for the greatest share of DOJ investigations, but the share of Muslim-related cases is wildly disproportionate to the religious minority’s size: Roughly 70 percent of American adults identify as Christians, [according](#) to Pew Research Center, while less than 1 percent identify as Muslims.

A number of factors could have contributed to the spike in mosque cases. Around 2010, a number of mosques were involved in high-profile land-use disputes, including the proposed Islamic center near Ground Zero in New York City and a mosque in Murfreesboro, Tennessee, that took its case all the way to the Supreme Court. Those cases could have raised awareness about mosques and zoning in other communities. Muslims also doubled as a percentage of the American population between 2007 and 2014, according to Pew. Increased demand for new mosques and Islamic schools means more opportunities for zoning disputes.

It’s also possible that the Justice Department has been paying special attention to land-use discrimination against Muslims. “When a community refuses to allow a mosque, the immediate inference is ... they’re actually hostile to Muslims,” said Douglas Laycock, a law professor at the University of Virginia who specializes in religious-liberty issues. “I think the Muslim cases look more suspicious to DOJ.”

According to Dalton, roughly 20 percent of successful RLUIPA cases involve Muslims, Jews, or Christians who are ethnic minorities. While it wasn’t initially clear whether the Trump administration would continue pursuing these cases, particularly those related to mosques, Dalton said, it has: The Justice Department has won at least four major settlements on behalf of mosques since President Trump was elected. “The department has been active in bringing investigations and filing cases under RLUIPA to protect the religious freedom of all,” said Acting Assistant Attorney General John Gore in a statement. “The department remains committed to vigorously enforcing this important law.”

“We just don’t have that kind of money to do this, to go through the legal battle.”

In theory, any religious group that is lost in the legal system can turn to the federal government for help. But DOJ has limited resources and has to consider a number of questions before taking a case; it chooses its battles carefully. Among other things, the department weighs “whether a case involves important or recurring issues, particularly serious violations of law, or if it is a case that will set precedent for future cases,” according to a 2010 report it released on RLUIPA.

Religious groups that don’t have a cause the government is looking to champion—and don’t have the zeal or resources for a years-long fight with a local zoning board—might be out of luck. The spiritual community of TrikaShala Kundalini Meditation Center in Berkeley has been holding retreats in Hawaii for years. The gatherings are a large source of the community’s income, said Swami Khecaranatha, the leader of the community, and the group has long wanted to purchase its own property.

During a five-year search for a building on the island of Kauai, the Center has found a number of options. But each time, attorneys and at least one former island official advised the organization that it would likely not get approval for a zoning permit.\* The Center contacted Dalton, who told them litigation would take somewhere between 18 and 36 months, and initial costs alone could reach \$30,000 or \$40,000. When TrikaShala’s board got together to discuss it, “everybody’s response was the same,” said Khecaranatha. “We just don’t have that kind of money to do this, to go through the legal battle.”

THERE’S NO DOUBT THAT RESISTANCE to religious groups is often grounded in animus. “Some of it’s ethnicity. Some of it, there’s just outright prejudice,” said Dwight Merriam, a Connecticut attorney who has

represented local governments in land-use cases across the country. (His license plate spells out ZONING.) But many disputes arise for more mundane reasons. Towns can have outdated, discriminatory zoning rules on the books and not even realize it. Local officials can be single-mindedly focused on raising revenue from property taxes, which churches and other houses of worship don't pay. This isn't appropriate, Merriam said: "If I see a case ... [with] a public official saying, 'We can't allow this religious use because we're going to lose tax base,' I know they're already in trouble in terms of being able to defend their position." Sometimes, officials also make careless comments that could be construed as discriminatory, he added, not realizing that those words "may haunt them for many years ahead."

Often, people just don't like the idea of their neighborhood changing—and granting a zoning exception truly can reshape life in a town. Consider Orthodox Jews, another small religious group that frequently faces zoning challenges. With their large families—an average of four children per couple, according to Pew—many Orthodox Jews have been priced out of urban centers like New York City in recent years and have moved, en masse, to surrounding areas. In part because they cannot drive on Shabbat and many holidays, people in these communities tend to coalesce in neighborhoods within walking distance of a synagogue. They might erect an eruv, a perimeter that can be made of wire and posts marking where Jews can carry objects on Shabbat—a near-invisible physical structure that can have profound effects on weekend retail, property values, and the populations of neighborhood schools. Several New Jersey communities, including [Jackson](#), [Lakewood](#), and [Jersey City](#) have recently struggled with these physical and demographic changes.

While faith groups might feel singled out by zoning restrictions, towns can feel blind-sided when RLUIPA issues come up, landing them in unexpected legal disputes. They "barely have the money to maintain fire and safety forces," said Alan Weinstein, a professor of both law and urban studies at Cleveland State University, "let alone run their land-use regulatory program." Cash-strapped, risk-averse local governments can also be spooked by potentially expensive RLUIPA challenges, said Adam Smith, a lawyer for Deschutes County, Oregon, who is currently advising the local government on a land-use conflict with a church. "RLUIPA is a pretty broadly drafted federal law," he said. "It's not always self-evident how to go about addressing [it]."

These underlying issues have only become thornier as American religion has evolved. White-steepled churches still dot the landscape. But many small religious communities have been overtaken by mega-churches, which might need non-traditional spaces outside of residential areas, where houses of worship have typically been permitted. The biggest mega-churches might need capacity for thousands of worshippers, and their facilities can house fitness centers, daycares, and coffee shops; they sometimes function more like small sports arenas than storefronts in terms of their neighborhood impact. Zoning codes aren't necessarily written to accommodate this kind of mixed use. "There are times where a very large church in a residential neighborhood can overwhelm the infrastructure," Smith said.

"Yes, we need it. But not here."

This is where the practicalities of land-use law shade into something more philosophical: Where is the line between preserving a community's character and preventing its evolution? While it's easy to sympathize with a church that can't find a space in which to pray, it's also easy to imagine aggrieved residents sitting in Sunday-morning traffic or searching in vain for parking near their house.

On the other hand, the ability to secure a physical space really can make or break religious groups. [According to Pew](#), roughly one-fifth of Americans report attending religious services a few times per year or less, but say they used to go more often. Of this group, half said they stopped going for "practical reasons," which might include old age or logistical barriers. "The toughest thing to do is get kids to church on time on a Sunday morning," said de la Torre of North Jersey Vineyard. "I've gotten married [and] I've had kids since attending this church, and I can see why, yeah, it matters. It matters that the parking is here and close, that we have a ramp for the stroller." For single moms and harried parents, "the Sunday church service might be their only time away from their kids, to themselves, trying to connect with God."

Residents and zoning boards may view faith groups through a narrow lens, worrying about burdens on infrastructure and traffic flow. But religious institutions don't just benefit their members. They can also strengthen a community's level of civic engagement. A large body of social science has shown that religious

people [are more likely](#) to vote, volunteer, and join other groups like PTAs or book clubs than people who aren't religious. In many areas, congregations provide [a backbone of social services](#), like housing for the homeless or coats and meals for the needy. They provide significant immigration and refugee-resettlement services, including English-language instruction.

These may seem like unmitigated goods, but not all communities see things this way. "They're concerned about a bunch of impoverished individuals showing up for food and clothing and shelter in their gentrifying neighborhoods," Weinstein said. "They look at themselves in the mirror and say, 'This is not the right place for this.' It's, 'Yes, we need it. But not here.'"

Churches that serve racial minorities and the poor may also face extra scrutiny. Bias against these groups has long been inscribed in the physical structures of American cities and towns: Along with zoning codes, subdivision boundaries, lot-size requirements, and bank-loan restrictions implicitly keep neighborhoods segregated by income, class, and race. A church or mosque that threatens old codes, written and unwritten, may be treated with hostility by prospective neighbors.

Many Americans do yearn for fellowship with people of every tribe and tongue. They want to reach those on the margins and serve the least of these. They repent of racism and call for reconciliation. But it's not always enough to reform the heart—sometimes laws and regulations need reform, too. Zoning measures that claim to keep neighborhoods clean, quiet, and beautiful also keep them homogenous. Martin Luther King Jr. once observed that "Sunday morning is the most segregated time in America." The phrase is so often invoked that it has faded into cliché, understood as an inevitability rather than an active choice communities make over and over again.

THESE DAYS, NORTH JERSEY VINEYARD holds four services each weekend in its new building on Phillips Avenue. Heavy cloth hangs from piping in the converted lobby, with 350 red and gray chairs neatly lined up behind it. The mixed-race congregants—black, white, Hispanic, Asian—come as they are; some wear T-shirts and sandals, while others look well-ironed in church dresses. By the time the 11 o'clock service rolls around, the make-shift sanctuary is almost full. The vibe of the service is somewhere between buttoned-up evangelical and free-wheeling Pentecostal—a few hands raise in hallelujahs, but otherwise the crowd remains fairly quiet.

After Vineyard's case finally settled in December 2016, Chorlian had wanted to get into the building as soon as possible. "It ruined Christmas for all the staff," he said. "We were working around the clock to get the curtain set up." A lot of the renovations have been DIY, and staff are always scouring Amazon for cheap supplies. One day in January, the staff spent hours replacing every doorknob in the 32,000-square-foot building when they discovered the current handles weren't up to code. De la Torre is especially eager to redo the walls in the staff's "ugly break room from the '80s," currently painted sunburn pink and trimmed in pears and plums. Chorlian says he hopes they'll start work on the main sanctuary at some point later this year, although 2018 might be more realistic.

In the nine months since North Jersey Vineyard moved in, the church has had 500 first-time visitors, according to Chorlian—roughly twice as many as they had during comparable periods in earlier years. In October, North Jersey hosted More Love More Power, a national Vineyard conference. "This is a great way for us to celebrate being in our new building," announced one of the church administrators, Sue Sehulster, during a recent Sunday morning service. "We have been called here to South Hackensack, not only to be a presence as a local church here in our community, but also to make a greater impact in our region." The conference was a way "to be able to say, 'We're here,'" she told me later. "The whole Vineyard movement has been following our travails."

Despite the attendance boost, the township's concerns about traffic and parking haven't been borne out. "Whatever they're doing there is working in terms of not negatively impacting the area," one of the township's lawyers said.

Shortly after the lawsuit concluded, another church approached North Jersey Vineyard, asking if they might be interested in selling the building. The other church hadn't wanted to deal with zoning headaches and a



risky lawsuit, and was willing to offer \$4 million as a starting price—at least a million more than the original purchase. Vineyard said no. “We went through it so we could use the building,” Chorlian said. “We weren’t playing a new cable show, ‘Flip That Church.’”

But he understood why another church would pay a premium to avoid red tape. “When a church tries to come into a town, it’s not a level playing field. There’s so many things that the towns can do to make it hard, or to block them, or just procedure you to death,” Chorlian said. He hopes Vineyard’s case will help other religious groups navigate their own zoning challenges, but confessed that this has been the “the hardest, biggest obstacle I’ve faced in all of my years of ministry.”

It’s a shame when towns and municipalities make life hard for religious groups, the pastor said. “They should be helping us.”

## The Miami Herald: Miami ICE Detainees Forced to Choose ‘Between Faith and Food,’ Letter Says

By Monique O. Madan; August 24th, 2020

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Muslim immigration detainees in Miami say they are being forced to choose between eating pork or rotten halal meat — food prepared following Islamic religious law — according to a letter sent to immigration officials at the U.S. Department of Homeland Security late last week.

The [seven-page document](#) was sent by lawyers and advocates at two non-profit organizations — Muslim Advocates and Americans for Immigrant Justice, as well as national immigration law firm, King & Spalding. In it, they say that since the COVID-19 pandemic began in March, the Krome detention center in Southwest Miami-Dade has been serving Muslim detainees pre-plated meals that regularly include pork sausage, pork ribs and other dishes containing pork, which is forbidden under Islamic religious law.

“Although ICE officers at Krome have long been aware of the Muslim detainees’ faith-based dietary restrictions... at least two to three times a week, the pre-plated meals unambiguously include pork,” the letter said.

It continued: “Consequently, Muslim detainees at Krome are forced to choose between faith and food.”

In interviews with the Miami Herald, Muslim detainees said they have suffered stomach pain, vomiting and diarrhea from the spoiled meals, saying ICE officials at Krome have repeatedly ignored their pleas for edible, religiously compliant food. In some instances detainees said the facility’s chaplain has responded: “It is what it is.”

“Now, you do not know if you are eating pork because they rarely say what they are serving. You are not told what the food is when they hand it to you,” one detainee said. “There is no menu posted in the pod. If you do find out that you are being served pork, there is nothing you can do about it, and you don’t get to eat meat that meal.”

Said another: “The halal food messes with my stomach. The halal meals they serve are a chili gravy substance that comes out of a plastic package and looks like dog food. I have tried to send it back and ask for something else, but they say they have nothing else to give me. So I often go without eating.”

The detainees agreed to the interviews under the condition of anonymity because of fear of retribution by ICE.

“There is no reason, even in a pandemic, that Muslim detainees cannot receive unexpired, unspoiled halal meals, or, at the very least, pre-plated meals that do not require them to consume pork,” lawyers and advocates told federal officials in their letter, which demanded that Muslim immigration detainees at all ICE facilities get immediate access to non-rotten edible food that does not violate their faith.

ICE spokesman Nestor Yglesias responded in a statement saying the agency’s national detention standards include “accommodation of religious dietary practices.”

“Any claim that ICE denies reasonable and equitable opportunity for persons to observe their religious dietary practices is false,” he said in an email.

But the complaints about Muslim detainees being served rotten or expired halal meals predate the pandemic, the letter says.

“If you put a grievance in the box, no one picks them up, and you never get the grievance back. And speaking to the chaplain didn’t fix the situation either,” one detainee said.

“This mistreatment is part of a broader practice at Krome of disregarding the well-being and constitutional rights of detainees in ICE’s care,” the letter said. “By habitually serving Muslim detainees pork and spoiled, expired, and cold halal meals, ICE officers at Krome have violated Muslim detainees’ rights under the First Amendment and the Religious Freedom Restoration Act.”

ICE denied all allegations and pointed to the [agency’s policies](#):

“All facilities shall provide detainees requesting a religious diet a reasonable and equitable opportunity to observe their religious dietary practice, within the constraints of budget limitations and the security and orderly running of the facility, by offering a common fare menu,” the policy says.

“While each request for religious diet accommodation is to be determined on a case-by-case basis, ICE anticipates that facilities will grant these requests unless an articulable reason exists to disqualify someone for religious accommodation or the detainee’s practice poses a significant threat to the secure and orderly operation of the facility.”

## **The Washington Post: Sikh School Bus Driver Reported Years of Harassment over his Turban and Beard**

By Donna St. George; May 28th, 2019

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Some who noticed his turban and unshorn beard called him a terrorist. Others taunted that he was Osama bin Laden. From nearly his first day as a school bus driver in suburban Maryland, Sawinder Singh, an observant Sikh, said he was targeted for the way he looked.

The harassment came from co-workers, supervisors and students, he said. One day while driving the roads of Montgomery County, he missed a turn, only to have a large group of middle-schoolers aboard shout that he was kidnapping them.

“The driver is going to blow up the bus!” he recalls them yelling.

But 13 years into his career with the county school system, Singh, 45, is turning a page on those experiences, as his lawyers and school officials settle issues raised in a complaint filed with the federal Equal Employment Opportunity Commission in 2016.

The agreement, expected to be announced Tuesday, includes efforts to improve cultural education and training on recognizing bias, which Singh said he hopes will lead to a greater understanding among employees and students of Sikhs and other religious minorities in the diverse school system.

His attorneys assert the case could have a broad reach nationally, given Montgomery’s stature as one of the country’s largest and most well-regarded school systems.

“If a school district of its caliber is doing this, then other districts will take notice,” said Amrith Kaur, legal director for the Sikh Coalition, a civil rights organization representing Singh. “I hope that it’s a wake-up call for other districts and for other employers.”

Kaur’s organization, which has represented hundreds of hate-crime clients over the past 18 years, says that Sikhs in America are hundreds of times more likely than the average American to experience bias. Many are

targeted because of their skin color, turbans, uncut hair and religious faith; some, including Singh, also are immigrants.

“This is an issue that continues to grow, and it’s not going away,” Kaur said.

School system officials said in a statement they investigated each allegation Singh made and took “swift corrective action” with staff members and students who engaged in offensive behavior.

They said they are committed to providing a safe and welcoming environment, citing training efforts on cultural proficiency and implicit bias, along with broader efforts to address hate-based incidents in schools.

In response to incidents cited by Singh, school officials said they conducted face-to-face training on workplace bullying among transportation department workers in 2016, [published a staff newsletter story in 2016](#) about Singh to highlight his background and experiences, and listed him as a resource for teachers on Sikh or South Asian cultural programs.

“We do not and will not tolerate behavior that is hateful, bigoted, racist or discriminatory,” the statement said.

Singh, a father of three who lives in Clarksburg and has two children in the school system, started his job in 2006. He was a musician and music teacher in India — and a devotional singer at Golden Temple, the holiest shrine in the Sikh religion, he said.

He moved to the United States in 1999, following several trips to the country to perform music, and later landed a job with the school system’s transportation operations.

“Working with the school system, to me, it was a kind of honor, and especially working with students and children,” he said. “I felt that I am going to start their day and end their day. I was very happy about it.”

But harassment soon followed, he said. As an observant Sikh, he said, his unshorn hair and beard are integral to his religion and considered among his “articles of faith” — showing thankfulness and humility and that “whatever you are given by God, you keep it, you do not touch it.”

In the beginning, Singh did not want to make waves and did not report incidents, his lawyers say.

“He didn’t do it the first time or the second time or even the fifth time something unfair happened to him,” said Karla Gilbride, a senior attorney with Public Justice, a public interest legal organization that joined the Sikh Coalition on the case in January 2018.

According to the EEOC complaint, co-workers in the transportation department called Singh “Osama bin Laden,” “al-Qaeda” and “Taliban.” When bin Laden was killed in 2011, it said, fellow employees expressed condolences to him as if they were related.

One supervisor threatened to put duct tape on Singh’s beard and pull it off, the document said, and when he said he did not appreciate the joke — and that his hair was an expression of his religion — he was told he lacked a sense of humor.

Many offensive comments came from students, too: The complaint lists 21 incidents he said he reported to school officials from 2011 to 2016, each listed with a date.

One student reached out to shake his hand in August 2013, then asked if he had a bomb. A group of students at first refused to board his bus in November 2015, saying he was a terrorist.

In February 2016, a student began to board, then stepped back, saying, “Look at the driver! We are all going to die today!”

Singh said he struggled with how he was treated. His attorneys said that while the school system responded to many incidents reported by Singh, the response was inadequate.

“These things were troubling me all the time when I came home, affecting my sleep,” he said. “My background is in serving, not harming anybody.”

Starting in 2011, Singh tried to report major incidents of harassment by students in writing, according to the EEOC complaint. A copy of the EEOC complaint shared with The Washington Post was redacted, with names of employees and schools removed.

In 2012, it said, a supervisor told him that his efforts to inform students' schools of their behavior "would ruin students' education." The supervisor tried to dissuade him from completing paperwork and said he was too easily offended, according to the document.

In response to the EEOC complaint, school officials said they deny being liable for discrimination but believe "we can and must work together with the community to ensure all students and staff are treated with respect."

In other allegations, Singh's EEOC complaint said he was denied opportunities for training and advancement and "required to do less complex work when compared to my non-Sikh, non-South Asian, non-Indian origin colleagues."

Singh was promoted to bus route supervisor but asserts he was assigned menial tasks. And after the Sikh Coalition advocated on his behalf, the complaint alleged he was retaliated against — written up harshly for dropping two students off at home, rather than at a caregiver's, after believing their account that a parent's note had been lost.

He was suspended without pay for 10 days and cited for a "critical offense" that bars promotion for at least three years, the complaint said.

As part of the settlement, the school system will establish a project team to consider changes to training initiatives that would make them more interactive and based in real-life scenarios, and include awareness of the Sikh religion. The two organizations involved in Singh's case will propose changes that school officials will consider; the first formal proposal should be offered within 60 days.

The goal is a more systemic approach that includes assessing the climate for students and staff of all ethnicities and religions, and going beyond individual discipline, Singh's lawyers said.

The agreement also includes expanded career opportunities for Singh, including the chance to work under a mentor and transfer to another bus depot. Singh's attorneys declined to discuss any potential financial compensation in the settlement.

Singh said he is happy the school system was willing to work on the agreement — and hopes that processes and procedures improve for others facing harassment.

"I'm hoping there will be more enforcement," he said, adding that he does not want to see anyone else have to bear up to similar disparagement. "If any employees are being discriminated against, there should be proper investigations."

"I want everyone to feel a sense of belonging," he said.

## **Becket Law: Inmate Wins right to Kosher Meals for Orthodox Jews**

Case Summary (generously provided by Becket Law)

**WASHINGTON, D.C.** – An Orthodox Jewish inmate won a twelve-year legal battle with the state of Texas Friday, voluntarily dropping his lawsuit after convincing the Texas prison system to provide a kosher diet not only to him, but to all Orthodox Jewish inmates in the state. This win is another one of Becket's victories on behalf of prisoners' religious liberty, including the 2014 Supreme Court case *Holt v. Hobbs*.

The vast majority of states provide Jewish inmates with kosher meals, and studies show that allowing prisoners to practice their faith leads to better behavior in prison and fewer crimes after release. Nevertheless, Texas refused to provide Orthodox Jewish inmates with kosher meals, arguing concerns about cost. So in 2005, Max Moussazadeh sued. The court ruled in Moussazadeh's favor, concluding that the denial of kosher meals violated his faith and that the cost of kosher meals was "minimal"—"less than .005% of the food budget." The lawsuit prompted Texas to begin offering a kosher diet to all of the state's Orthodox Jewish inmates.

“Protecting religious freedom in prison is not only smart, but also the right thing to do,” said **Luke Goodrich, deputy general counsel at Becket**. “Allowing prisoners to practice their faith results in better behavior in prison and less crime after release—and it respects human dignity.”

Although Texas initially resisted Moussazadeh’s lawsuit, he won important victories in the Fifth Circuit Court of Appeals in New Orleans in 2010 and 2013. After the state began providing a kosher diet for all the state’s Orthodox Jewish inmates, Moussazadeh put the lawsuit on hold until he was released from prison. The suit was finally dismissed on Friday following his release from prison in 2016.

Currently, more than thirty-five states and the federal government provide a kosher diet to observant Jewish inmates. Becket has also won similar kosher diet cases against [Florida](#) and [Georgia](#), and assisted in a similar victory against Indiana. In 2015, Becket won a [unanimous Supreme Court victory](#) on behalf of a Muslim prisoner in Arkansas seeking to practice his faith in prison.

“At least thirty-five states and the federal government have been providing a kosher diet for years,” said **Goodrich**. “They have shown that the benefits of respecting religious freedom are worth far more than a few pennies per meal.”

Mr. Moussazadeh was represented by Becket, along with firm Latham & Watkins, LLP.

## **Becket Law: Singh v. Carter**

Case Summary (generously provided by Becket Law)

### ***Torn between serving country and living out faith***

Military service has a rich legacy within the Sikh tradition: observant Sikhs have served in the U.S. military from at least World War I through the Vietnam War. For Captain Simratpal “Simmer” Singh, a committed Sikh, the legacy is also personal, as military service runs strong in his family. Endorsed by his local congressman, Simmer was accepted into West Point in 2006. But a 30-year ban on beards threatened Simmer’s ability to serve.

As a child, Simmer Singh wore the *patka*, a small turban worn by Sikh children to cover their unshorn hair. In high school, he began wearing a full turban and beard—also core “articles of faith” in the Sikh religion—to remind him of the inherent dignity and equality of every individual before God. He expected to wear these articles of faith to his death – until he joined the Army. Simmer believed that he would be given a religious accommodation for his unshorn hair, beard, and turban, but on Reception Day he was told he had to cut his hair and shave or leave the Academy. Compelled on the spot to choose between serving his country and his faith—a decision no American should have to make—he chose to serve, committing to reclaim his articles of faith at the earliest opportunity.

Captain Singh went on to serve with distinction for more than ten years. He completed both Ranger School and Special Forces Assessment and Selection Courses, received a Bronze Star Medal for clearing IEDs in Afghanistan, and attained his bachelor’s and master’s degrees in engineering.

### ***RFRA protects Sikhs who serve***

In 2015, Simmer learned about his rights under the [Religious Freedom Restoration Act \(RFRA\)](#), a federal statute passed by a bipartisan Congress and signed by President Clinton in 1993 with the support of an extensive coalition of religious and civil rights groups. RFRA prohibits the Army from suppressing an individual’s sincere religious exercise without a compelling government reason.

In this case, the Army had no good reason for discriminating against Sikh Americans by banning their religious beard, since it gave nearly 100,000 soldiers exemptions from its beard ban for medical reasons. Special Forces Operators commonly wear beards on the front lines in Afghanistan. And observant Sikhs have continually served in the militaries of the United Kingdom, Canada, Australia, India, and throughout the world. In fact, Canadian Minister of National Defense Harjit Singh Sajjan is a fully-bearded Sikh and previously served alongside American forces in Afghanistan.

## Victory for Sikh soldiers

In October 2015, Becket, along with the Sikh Coalition and the law firm McDermott Will & Emery, [petitioned](#) the Army to grant Captain Singh a religious accommodation. In December 2015, the Army [issued](#) a one-month accommodation under RFRA, but then shortly after, ordered Simmer to undergo a series of discriminatory tests that other soldiers who wore beards for medical reasons were not required to complete.

On February 29, 2016, Becket, McDermott, and the Sikh Coalition [filed a lawsuit](#) on Simmer's behalf to block the discriminatory testing and to obtain a permanent accommodation. Days later, in a rare move against the Army, the court ordered the Department of Defense to cease all discriminatory testing against Captain Singh because of his religious beard and granted him [temporary protection](#) while the case was ongoing. In March 2016, Becket filed a similar lawsuit in [Singh v. McConville](#) on behalf of Specialist Kanwar Bir Singh, Specialist Harpal Singh, and Private Arjan Singh Ghotra and their right to serve in the Army without abandoning their Sikh articles of faith.

Following the court ruling, the Army granted Simmer a longer [accommodation](#) that allowed him to serve with his religious beard, unshorn hair, and turban for up to one year. On January 4, 2017, that victory became permanent when the Army issued new regulations stating that Sikh soldiers will not be forced to abandon their religious turbans, unshorn hair, or beards throughout their military career.

### Importance to religious liberty:

- **Individual freedom:** Individual religious exercise encompasses more than just thought or worship—it involves visibly practicing the signs of one's faith. Religious individuals must be free to follow their faith in all aspects of life, especially those who serve in our military to defend the freedom of all Americans.
- **Public Square:** Because religion is natural to human beings, it is natural to human culture. It can, and should, have an equal place in the public square.
- **RFRA:** The Religious Freedom Restoration Act ensures that the government cannot burden the religious exercise of individuals or groups to violate their deeply held beliefs without compelling interest or when there are reasonable alternatives to doing so.



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