

# Constitutional Rights are Being violated All over the Nation

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By [Randy W. Bright](#)

Edmund Burke is famous for many quotes, but perhaps his most well known quote is, “All that is necessary for the triumph of evil is that good men do nothing.”

Two court cases, both appearing on the Law of the Land website, caught my attention this week.

The first one was “Federal District Court in Illinois Dismisses Some, But Not All, RLUIPA Claims.” This case, Church of Our Lord and Savoir, Jesus Christ v. City of Markham, Illinois, was about a church, that had operated at a location for ten years “without issue,” that sued their city after the city issued an order to cease and operations, purportedly regarding safety issues. The church claimed that even after fire inspectors approved their building, the city Planning Board “denied the Church a permit without explanation”.

The church sued the city claiming violations of the First Amendment Free Exercise Clause, RLUIPA and the Religious Freedom Restoration Act of Illinois, as well as other state laws. They named not only the city in the suit, but also its mayor and several aldermen.

The court dismissed the RLUIPA claims against the mayor and aldermen because the law does not allow suit to be brought against public employees. The court also dismissed the claim of discrimination against the church under RLUIPA, stating that the church failed to provide proof of the fact of discrimination.

Per the article, “RLUIPA’s non-discrimination provision provides that ‘no government shall impose or implement a land use regulation that discriminates against any assembly or institution on the basis of religion or religious discrimination.’ RLUIPA also states that “no government shall impose a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly or institution (A) is in furtherance of a compelling governmental interest; and (B) is the least restrictive means of furthering that compelling interest.”

However, the court did allow the suit to proceed, stating that it was premature to dismiss the claims of Free Exercise and substantial burden.”

The second case was “Second Circuit Court of Appeals Holds that a Building Permit Application can Provide Municipal Building Officials with Consent to Search a Homeowner’s Property.”

In this case, a homeowner applied for a permit with an application that stated that he was authorizing “the Planning & Zoning Commission, Building and Health Department and its staff to enter upon the property for the purpose of inspection and enforcement of the zoning, building, and health laws.” When city officials found that the homeowner’s house “suffered from a variety of issues,” it issued a stop work order. The homeowner wrote a letter prohibiting a particular

official from entering his home. He later sued the city and city officials for violation of the Fourth Amendment which “constituted an unreasonable search.”

The court found that although “the Fourth Amendment generally prohibits the warrantless entry of a person’s home (that limitation) does not apply to situations in which voluntary consent has been obtained.”

This I found to be extremely disturbing. In all of my years as an architect, I have never once believed that a building permit was a permit to search someone’s property. The permit is specific, or is supposed to be, to the construction that is being done, and nothing else.

So does this mean that if I do an addition to my home, city officials have the right to conduct a search of my entire property? What if some anti-Second Amendment city official wants to look for legal guns that can be seized? And what opportunity does it give to corrupt officials who with impunity could steal property or blackmail homeowners who are found with “contraband”?

And what about churches? Given another recent targeting of a Christian for her beliefs (Clerk Kim Davis in Kentucky), will officials use a decision like this to conduct searches of pastor’s sermons or libraries for “hate” material, just because they want to do an addition or remodel to their building?

This is a very dangerous court decision that should not escape notice, because it endangers the freedoms and rights of all of us. It is just another reason that an Article V, Convention of the States should be held to affirm our rights and curb out of control government.



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