

Why is Justice Dept. suddenly interested in the RLUIPA?

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On December 15 of last year, the Civil Rights Division of the U.S. Department of Justice sent a letter out to state, county and municipal officials all over the country reminding them of the Religious Land Use and Institutionalized Persons Act (RLUIPA).

Ironically, it was just before the presidential election in 2008 that I received a call from an attorney from the Justice Department who had seen some of the articles that I had written regarding RLUIPA, asking if I knew of any violations and offering her assistance if I did. I have not heard from the DOJ since.

However, it appears that the DOJ has taken a renewed interest in the law, and felt compelled to remind those who might intentionally or inadvertently discriminate against religious freedom of the rights that are enforced under the law.

Vanita Gupta, the principal deputy assistant attorney general, who authored the letter, stated, “Congress heard testimony that houses of worship, particularly those of minority religions and start-up churches, were disproportionately affected, and in fact often were actively discriminated against, by local land use decisions. Congress also found that, as a whole, religious institutions were treated worse than secular places of assembly like community centers, fraternal organizations, and movie theaters, and that zoning authorities frequently violated the United States Constitution by placing excessive burdens on the ability of congregations to exercise their faiths.”

Gupta also stated that an initiative launched by the DOJ’s Civil Rights Division called Combating Religious Discrimination Today that stated that “houses of worship, particularly those from less familiar religious traditions, often face unfamiliar barriers in the zoning and building process.”

The letter also explained the breadth of RLUIPA in that it “applies widely not only to diverse places of worship, but also to religious schools, religious camps, religious retreat centers and religious social service facilities such as group homes, homeless shelters, and soup kitchens, as well as to individuals exercising their religion through use of property, such as home prayer gatherings or Bible studies.”

Gupta cited two separated examples of discrimination, one a church in Maryland, and the other a mosque in California. She also cited an example of a city that imposed a regulation singularly on places of worship in which “60 percent of neighbors in a 1,300-foot radius” were required to give their permission for a place of worship to build on their land.

I must admit that the DOJ’s renewed interest in this law is a bit curious, given its issuance during the final days of Obama’s tenure.

On the Wallbuilder's website, David Barton posted an updated article entitled America's Most Biblically-Hostile U.S. President, in which he describes numerous examples of Obama's hostility toward Christians and Jews dating back from December of 2009 to present time. One example stated that in June of 2013, "the Obama Department of Justice defunds a Young Marines chapter in Louisiana because their oath mentioned God, and another youth program because it permits a voluntary student-led prayer."

It was not long ago that I wrote about a report by the United States Commission on Civil Rights that stated that "religious liberty" and "religious freedom" were code words for intolerance, homophobia and "Christian Supremacy".

It is also widely known that Obama has been diligent to bring thousands of unvetted Syrian refugees to our country, often placing them in communities against the will of their citizens. It is not unreasonable to be concerned that there are terrorists among them.

So the renewed interest in RLUIPA, though I welcome it, does not pass the smell test regarding the motive for doing so. Is the real reason that it is to be a reminder that community governments must not discriminate against Muslims who want to build mosques in their communities in order to allow the spread of Islam in America? Are there those in the DOJ that are actively trying to assist Muslims to assert their beliefs in America? Or is there a real fear amongst those in the DOJ that see equal discrimination against all religions? It depends on who initiated this interest in RLUIPA. The timing of the letter and the circumstances that surround us make it, at the very least, suspicious.



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