

# How Do We Maintain Religious Freedom and Protection?

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Several weeks ago, I wrote about a case in Bernard Township in New Jersey in which the Thomas More Law Center (TMLC) alleged that a local mosque was using intimidation tactics to coerce the local government into granting a permit for the construction of a mosque. TMLC had filed a Public Records Request with the Bernard Township Committee on behalf of a resident that had called out what he believed to be illegal secrecy regarding a special meeting that was to be held by the Committee.

The meeting was to have taken place on a late Friday afternoon, but was cancelled because it had been called without proper notice to the public.

Richard Thomas of the TMLC stated, “Based on the timing of the meeting late in the day on Friday, the meeting agenda, and discovery that resolutions approving the settlements of both the DOJ and the Islamic Society of Basking Ridge (Islamic Society) lawsuits had already been filed with the Township clerk, it is probable that a decision had already been secretly made and that the scheduled meeting was just a formality.”

The lawsuit by the Justice Department was filed against the Bernards Township in November of last year alleging that it had violated the Religious Land Use Act (RLUIPA) by denying a building permit to the Islamic Society of Basking Ridge to build a mosque. At that time, according to the suit, places of worship were allowed by right in the zone in which the property was located.

In the suit, the DOJ accused Bernards Township of applying a different standard than it applied to other religious and non-religious assemblies, and that it had imposed a substantial burden upon the mosque’s freedom of religious exercise. In doing so, it alleged that Bernard Township had amended its zoning ordinance in order to deny the permit.

Previous to the DOJ’s lawsuit, the mosque (Islamic Society of Basking Ridge or ISBR) had filed its own suit against Bernard Township in March of 2016, alleging essentially the same things that were included in the DOJ suit.

Bernard Township maintained at that time that its denial was legitimately based upon land use and safety issues.

As a result of the pending DOJ suit, Bernard Township voluntarily complied with the DOJ’s requests for information from the previous 24 years of Planning Board hearings, spending 350 hours and delivering over 215,000 pages to the DOJ. However, Bernard Township alleged that the DOJ was not interested in finding the truth. Bernards’ mayor stated, “The Township strongly

believes that the DOJ action is designed to coerce the Township to settle in a manner which does not address proper land use planning.”

On New Years’ Eve of 2016, a federal judge ruled that Bernards Township had discriminated against ISBR by requiring more parking spaces for the mosque than would have been required for churches or synagogues.

On May 23, 2017, the Township voted to settle the two lawsuits. In an NBC news article authored by Chris Fuchs, he wrote, “After 39 hearings over four years and allegations of anti-Muslim animus, a New Jersey township agreed Tuesday night to settle two federal lawsuits that accused officials of discriminating against an Islamic society seeking to build a mosque. The Bernards Township planning board voted 6-1 at a hearing to settle with the Islamic Society of Basking Ridge and 5-2 with the Justice Department... The five-member township committee also approved settling both lawsuits in a 4-1 vote...”

Terms of the settlement have not been announced, but Bernards Township consistently denied discriminating against the mosque in denying the building permit.

Fuch ended his article by writing, “One Islamic Society of Basking Ridge member told NBC News the township’s decision to settle was an important vindication of the First Amendment Rights”, and quoted ISBR’s attorney who said “I think justice has prevailed and look forward to moving on together with the entire community of Basking Ridge.”

In support of religious freedom in America, the last thing that we want is for government to begin defining what is religion and what is not. We have already seen numerous cases in which municipalities have discriminated against churches or synagogues in order to prevent them from taking taxable property out of the tax rolls.

But in the wake of the genocide against Christians and others in the Middle East, the recent murders of concert-goers in Manchester and the murders of Coptic Christians in Egypt, all at the hands of Muslims, we must have some constitutional and legislative way to maintain not only religious freedom, but safety and the preservation of our system of laws.



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