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RECENT EXAMPLES IN GEORGIA OF INFRINGEMENT OF RELIGIOUS FREEDOM

At the Subcommittee hearing on February 24, 2014, opponents of HB 1023 asserted that religious freedom in Georgia was secure and there is no evidence of the need for this bill since the right of conscience and personal dignity of Georgians was sufficiently protected without this bill. Those opponents are woefully misinformed. People of faith in Georgia have experienced case after case of blatant disregard for their dignity and religious freedom throughout Georgia. The sad fact is that Georgians of faith routinely have their fundamental right to free exercise of religion trampled, ignored and restricted throughout the state. That fact ought to be condemned by ALL Georgians, regardless of their belief system. HB 1023 is needed.

This list is only a handful of the recent examples of an utter disregard for the fundamental right of free exercise of religion. At the hearing, opponents of HB 1023 could not site to a single instance of any RFRA or pre-*Smith* Free Exercise case in which bigotry or discrimination was upheld by use of similar statutes or the pre-*Smith* strict scrutiny standard for Free Exercise cases. Any person reviewing this short list of **ACTUAL EXAMPLES** of infringement of free exercise of religion in Georgia should see the compelling need for HB 1023. If Georgia were like all of its bordering states who have adopted RFRAs, these cases either would never have been lawsuits or could have been resolved far more quickly by application of HB 1023.

Recent examples of the need for HB 1023:

1. **Restrictions on Religious Speech at Georgia Institute of Technology.** Georgia Tech had various speech code policies, which applied to students and student organizations and limited their ability to express views on topics that the Institute deemed "intolerant." Georgia Tech also limited the locations on its huge campus where students could engage in free speech to certain tiny "speech zones" and refused to give student activity funds to student organizations that engaged in "religious activities."

2. **Restrictions on Christian Clubs at Savannah State University.** Savannah State administrators revoked official recognition for a Christian student club due to alleged hazing violations. According to administrators, this hazing occurred when the ministry held a foot washing ceremony in a discipleship retreat. Such a ceremony follows the example of Christ, who washed the feet of His disciples in an example of service, love, and humility. This resulted in the student group's complete loss of access to the campus for any activities.

3. **Restrictions on Christian Clubs at University of Georgia.** A Christian group at University of Georgia holds Bible studies, accountability groups, service projects, fellowship activities, parties, evangelistic outreaches, and team athletic events for its members. The members and officers of the group must profess faith in Jesus Christ,

subscribe to the group's doctrinal statement, and adhere to its Code of Conduct (which features the Biblical standard for morality). University of Georgia administrators refused to recognize the fraternity because it violated the University's nondiscrimination policy. Because of the group's religious qualifications for members and leaders, the University refused to recognize it, thus depriving it of benefits and privileges that belong to every other student organization.

4. Denial of Religious Club in Atlanta Public Schools. An individual repeatedly requested officials with the Atlanta Public School system for permission to begin a religious student club at Sutton Middle School. The District allows many other student clubs to meet before, during, and after school without charge and to have access to certain benefits and privileges in terms of publicizing group activities to others. The District, based on so-called "separation of church and state" concerns, denied the request for equal treatment. It insists on treating the club as a community organization that must rent school facilities.

5. Public Speech at Georgia Southern University. An individual visited a "free speech area" on the Georgia Southern University campus with a few friends to share a Christian message with students through signs, literature, and conversation. A university official told the group that they had to fill out a permit application to have their expression reviewed and approved. The forms, which must be submitted two days prior to a requested speaking engagement, require detailed personal information as well as the proposed topic and time of the expression. When they continued to share their message with passersby, an officer interrupted their activity, insisted that they were trespassing on "private property," and stated they needed university permission to speak on campus. When one member of the group resumed speaking, he was abruptly taken into custody by university police officers, who handcuffed him and drove him to a holding cell before he was transported to city jail, where he was held for nearly six hours.

6. Denial of After-School Bible Club in Banks County. An individual requested permission to start an after-school Bible club at schools within the Banks County School District. The board denied the request even though the club provided all the necessary documentation to use school facilities for its meetings. However, the school district permitted other groups, such as the Boy Scouts, to use school facilities for their meetings.

7. Restrictions on Church Rentals in DeKalb County, GA. A church rented a Recreation Center in DeKalb County, Georgia for weekly church services. In May 2012, they were told that the park board would no longer rent the Recreation Center to churches. The park board claimed it was pursuant to a new (unwritten) policy.

8. Restrictions on Public Prayer in Ellijay, GA. Organizers of a prayer chain were informed they would have to get a permit before being allowed to have a group of people assemble on a sidewalk for quiet prayer. The organizers filed suit challenging the city ordinance requiring a permit for 3 or more persons to engage in peaceful demonstrations on public sidewalks. The suit alleged that the permit scheme granted

too much discretion to the person who issues the permit to engage in viewpoint discrimination and that the requirements for a permit for such a small number of people are unreasonable.

9. **Distribution of Religious Literature at Pine Mountain Library.** Christians were denied the right to place free Bibles in a library which allowed community materials to be distributed.

10. **Citizen Charged with Loitering for Engaging in Religious Expression.** Individual who was carrying wooden cross in front of a psychic convention and was charged with loitering.

11. **Citizen Charged for Engaging in Religious Expression near Public School.** Individual was distributing religious literature in front of a school and was subsequently charged with entering a school safety zone without a "legitimate cause or need."

12. **Restriction against Religious, Pro-life Speech in Gwinnett County.** A student at Phoenix High School in Gwinnett County chose to wear his pro-life sweatshirt to school as part of the Students Day of Silent Solidarity and was told by the principal that if he did not remove it he would be suspended. The student stood firm in his convictions and refused to remove his sweatshirt. He was then suspended, and he was told that he would be suspended every day that he wears a pro-life sweatshirt.

13. **Restriction against Religious, Pro-life Speech in Rockdale County.** Students in Conyers, Georgia were organizing the "Pro-Life Day of Silent Solidarity" at Rockdale County High School in the Rockdale County Public School District. The students made flyers to announce a meeting to go over the rules for the event and displayed them on the school hallway walls. When the students arrived to the school the next day, one of their posters was gone and in its place hung a pro-abortion poster. A teacher said that all of the posters must be removed because the posters were political in nature.

14. **Church Denied Zoning Exception.** Church sought a zoning exception to locate next to a sexually oriented business. The sexually oriented business challenged the special exception as being detrimental to its business.

15. **Church Denied Permit in Coweta County, GA.** A church purchased a lot of property in Coweta County that is very rural. All owners of the parcels adjacent to the church property are white. The County denied their permit for a church saying neighbors complained. This is the only church denied a building permit in the last 5 years.

16. **Church Denied Permit in Coweta County, GA.** A church was denied a Conditional Use Permit to build a church on property in Coweta County, Georgia.

17. **Church Denied Zoning Variance in Marietta, GA.** The City of Marietta requires churches in all but one zoning district to have at least 5 acres of land. Other non-profit organizations like clubs, lodges, museums, and libraries have no such restriction. A Church applied for a variance to this requirement because their building is on 1.23 acres. The Board of Zoning Appeals denied their request for a variance.

18. Church Accused of Zoning Violation in Avondale Estates. A Georgia Church signed a one-year lease for a 1.19 acre property. A few months later, a Code Enforcement Officer for Avondale Estates left a notice on the Church's property door stating that religious facilities are not permitted. Subsequently, the church received a letter stating that the worship service activities was in direct violation of Avondale Estates' Zoning Ordinance, Sec 818 (1)(A), requiring a place of worship to be located on at least three acres of land & at least 100 ft of frontage on a public street.

19. Church Denied from Locating in Residential Zone in Marietta, GA. A church in Marietta, Georgia challenged a city ordinance because the city is not allowing it to use its property located in a residential zone for a church. The city decided that churches are no longer compatible with residential zones.

20. Zoning Restrictions on Church in Atlanta, GA. Challenge to the zoning code in Atlanta, Georgia. The code permitted clubs, lodges, and other similar uses to locate as of right in the zone but has denied the church the ability to lease property in that same zone.

21. Zoning Restrictions on Church in Rockdale County, GA. A Church tried to rent a small commercial facility in Rockdale County, GA, but was denied due to a zoning ordinance prohibiting churches from being on less than three acres. The Church then rented another commercial facility and made significant improvements to that building. However, when it tried to obtain a meter from the County to heat the building, the County notified Church that the district was not zoned for churches and they were violating the zoning code. The Church was forced to relocate to a facility shared with another congregation, and the constraints of sharing a building necessitated a significant reduction in its ministry. The Church is seeking a new location to meet, but cannot afford property of more than three acres.

22. Catholic School Barred from Locating in Suwanee, GA. A Catholic School identified a large tract of land within the City of Suwanee to purchase in order to build a permanent facility for its primary and secondary schools. Within two days of learning of the intended purchase by the Catholic School and in a thinly veiled effort to stop the Catholic School from moving to Suwanee, the City of Suwanee passed a moratorium on "large projects" defined as those disturbing more than five (5) acres of land. The only known project that met the criteria of the moratorium was the Catholic School's project.