

Handout 2

Religious Freedom in the News

Article 1: A Church of Cannabis Tests Limits of Religious Law in Indiana

INDIANAPOLIS — On the altar, behind a row of flickering candles, the silhouette outline of a marijuana leaf shined in lights. Colored balloons occasionally bounced through the air as the minister of music led a band in a pew-shaking rendition of “Mary Jane,” the funk tribute to the drug. And Bill Levin, who was introduced as “the Grand Poobah” of this new church, finished the gathering with a simple message: “Light up, folks!”

As legislation that proponents call a religious freedom law took effect in Indiana on Wednesday, Mr. Levin’s First Church of Cannabis held its first service in a quiet neighborhood on this city’s Eastside. Mr. Levin dreamed up the church as a way to test the state’s new, much-debated law: If the law protects religious practices, he figured, how could it not also permit marijuana use—which remains illegal here—as part of a broader spiritual philosophy?

Earlier this year, Indiana’s Republican-held legislature approved a Religious Freedom Restoration Act aimed at preventing government from infringing on religious practices. Facing the threat of boycotts and fierce objections from business leaders, state officials swiftly added a provision explicitly blocking the measure from trumping local ordinances that bar discrimination over sexual orientation.

Mr. Levin had few kind words for the lawmakers who wrote the state’s law in the first place. He called them “clowns” who “polluted and embarrassed” his state. But if Indiana was going to have such a law, he said, why not test its limits and press for his longheld goal, permission to use cannabis? Some legal experts said Mr. Levin may have trouble proving that the use of marijuana is truly tied to religious expression. But Mr. Levin seemed untroubled. “This is an honest-to-God religion,” he said. “Other religions have sins and guilt. We’re going to have a really big love-in.”

Article 2: Muslim Officer Sues New York Police Dept. Over No Beard Policy

NEW YORK - In the debate over beards in business settings, the New York Police Department officially stands opposed, with limited exceptions for officers seeking a medical or religious accommodation. The department's no-beard policy, as it is known, is at the center of a federal class-action lawsuit filed on Wednesday on behalf of a Muslim police officer who says he was suspended during the fasting month of Ramadan for refusing to shave his one-inch beard. The lawsuit, brought by Masood Syed, 32, aims to force the Police Department to change a policy that his lawyers say infringes on the rights of more than 100 officers seeking to exercise their religious freedoms without fear of discrimination or retaliation.

The Police Department has said that the rule is necessary for the safety of its officers. Lawrence Byrne, the department's deputy commissioner for legal matters, said the policy helped prevent officers from being overcome in physical confrontations and met federal guidelines for the gas masks that officers would use in a chemical or biological attack.

Officer Syed, of Queens, is a Pakistani-American who wears a beard in obeisance to his Sunni Islamic faith. He joined the department as a transit patrol officer in 2006, and was granted an exception to the

no-beards policy, according to his complaint.

The exception allows police officers, like those with skin conditions worsened by shaving or whose faiths require facial hair, to grow the hair up to one millimeter in length. But there are officers who wear their beards longer, including some assigned to undercover roles.

Syed was not reproached until August 2015, when he ran into Captain James F. Kobel, the second-in-command of the department's Equal Employment Opportunity office, at work. Captain Kobel told him he was not in compliance with the department's no-beard policy. What followed, Officer Syed said, was a series of meetings with officials, who repeatedly instructed him to shave his beard. He refused, and in December he sent a letter requesting a "reasonable accommodation" for himself and other officers who wear beards longer than the current exception in observance of their faith.

On June 20, while his request was still pending, Officer Syed received a letter from Captain Kobel ordering him to shave by the end of the next day or face suspension, according to the complaint. When he did not comply on June 21, according to the complaint, he was ordered to turn over his gun and shield and was escorted from the building as his colleagues looked on.

Ashley Southall, *Muslim Officer Sues New York Police Dept. Over No Beard Policy*, N.Y. TIMES (July 22, 2016) <http://www.nytimes.com/2016/06/23/nyregion/muslim-officer-sues-new-york-police-dept-over-no-beard-policy.html>

Article 3: FLDS Trying to Rewrite Food Stamp Rules in Name of Religion, Prosecutors Say

SALT LAKE CITY — Government prosecutors say Fundamentalist LDS Church members' concerns about losing their eternal salvation because they can't donate welfare benefits to the church doesn't amount to a violation of their religious rights. The sect wants to "rewrite the rules" for the Supplemental Nutrition Assistance Program or SNAP in the name of religion, according to a filing in federal court Wednesday.

"Religious freedom does not compel the extensive modification of a government program—which is not designed to help or hurt religion, but to provide a modicum of nutrition to the poorest citizens," assistant U.S. attorney Amanda Berndt wrote.

FLDS Church members accused of food stamp fraud argue donating food obtained through SNAP to their church is no different than bringing goods to a PTA bake sale or potluck dinner. They contend the Religious Freedom Restoration Act allows them to share benefits as part of their communal living.

Eleven FLDS members have pleaded not guilty to fraud and money laundering charges in connection with the program. Prosecutors say they knowingly broke the law by not only donating food to the church's storehouse but diverting funds to front companies to pay for a tractor, truck and other items. "They further want to rewrite the rules to allow the FLDS

bishop—rather than the United States Congress—to determine who benefits from the food purchased with SNAP funds," Berndt wrote.

Prosecutors say the program is designed to provide low-income families with money to purchase food in order to alleviate hunger and malnutrition. If recipients are allowed to buy food and donate it wholesale, there is no guarantee it would be used for that purpose.

Kathryn Nester, an attorney for defendant Lyle Jeffs, argued in a court filing filed Wednesday that the government's interpretation of SNAP benefit regulations demands that Jeffs go against his sincerely held religious beliefs or remain true to the word of God and suffer in federal prison.

Nester contends SNAP rules do not prohibit consecrating food and the government has no authority to determine what happens to the food after it leaves a store. Furthermore, she said the program does not ban buying item such as cookies, soda pop and ice cream that arguably neither provide a nutritious diet nor alleviate hunger and malnutrition.

Jeffs, the highest-ranking leader indicted in the case, has been on the run for four months since he slipped out of a GPS ankle monitor and escaped home confinement in the Salt Lake City area. The FBI is offering a \$50,000 reward for his capture.

Dennis Romboy, "*FLDS Trying to Rewrite Food Stamp Rules in Name of Religion, Prosecutors Say*," DESERET NEWS UTAH (Nov. 2, 2016), <http://www.deseretnews.com/article/865666270/FLDS-trying-to-rewrite-food-stamp-rules-in-name-of-religion-prosecutors-say.html?pg=all>