



Civil Rights Division • Legal Affairs Department **IN THE COURTS**

DECISION KEY

- Favorable to ADL
- Contrary to ADL
- Decision on other grounds

ADL's Docket as of December 2011

U.S. SUPREME COURT

RELEVANT DECIDED CASES *FROM THE US SUPREME COURT IN 2011*

Church-State
Separation
Tuition Tax
Credits



Arizona Christian School Tuition Organization v. Winn (U.S. Supreme Court)

An Arizona program allows taxpayers to direct part of their tax money to “school tuition organizations” that provide scholarships to Arizona students. An overwhelming majority of the resulting scholarships were awarded by religious organizations and supported students who attend religious schools. While we believe this is a clear violation of the separation of church and state, ADL joined a coalition of organizations specifically to argue against a troubling claim by one of the litigants, the Arizona Christian School Tuition Organization (ACSTO): that the challengers of this unlawful program do not have a right even to bring this claim to court. ADL argued that there is no legal basis to accept ACSTO’s position and that if it was accepted, it would undermine the Establishment Clause and upend decades of settled jurisprudence. Disappointingly, in a decision that diminished strong jurisprudence in the area of a taxpayer’s standing to bring an Establishment Clause challenge, the Court held that the litigants in this case lacked standing to bring the claim.

Discrimination
Immigrants



Chamber of Commerce for the U.S. v. Whiting (U.S. Supreme Court)

Arizona enacted the Legal Arizona Workers Act, which mandates all employers operating in the state to use E-Verify, a temporary and voluntary federal program that allows employers to electronically verify the employment eligibility of newly-hired employees. The program is controversial for its inaccuracies and possible discriminatory effect. ADL joined a coalition of civil rights and labor organizations in filing a brief with the U.S. Supreme Court in support of the U.S. Chamber of Commerce’s challenge to the law, arguing that the law is preempted by federal law, and that it frustrates Congress’ intent to balance discrimination concerns with control of illegal immigration. Disappointingly, the Court disagreed and upheld the law.

Combating Hate
Hate Speech



Snyder v. Phelps (U.S. Supreme Court)

This case arose when the father of a fallen soldier sued for damages against the Westboro Baptist Church, an anti-Semitic and anti-gay hate group, after the group protested near his son’s funeral. In the trial court, the Plaintiff won a \$5 million verdict based on three claims: intrusion into a secluded event, intentional infliction of emotional distress, and civil

conspiracy. The Fourth Circuit overturned the verdict, holding that the protesters' speech was protected by the First Amendment because it was a form of hyperbole and involved matters of public concern. The Snyder family argued that their freedom of religion rights and privacy rights were violated by the protesters' speech. ADL filed a brief in support of neither party. ADL's brief argued that because the family did not learn of the protest until later in the day, well after the funeral, there was no actual conflict between the rights of privacy or free exercise of religion, and the right of free speech. The Phelps had their protest, and it did not interfere with the Snyder family's funeral. The Court agreed with that rationale, and in a narrow and limited decision found for the protesters.

FILED AND AWAITING DECISIONS – SUPREME COURT 2011

***Hosanna-Tabor Evangelical Lutheran v. EEOC* (U.S. Supreme Court)**

This case concerns the scope and procedural treatment of a constitutional exception to employment discrimination laws – called the “ministerial exception” – for houses of worship and other religious institutions. That exception, grounded in the First Amendment, allows religious institutions to discriminate in the hiring of clergy, religious school teachers, and others engaged in core religious functions. However, ADL has taken the position that it should not apply to employees of such religious institutions who are not engaged in core religious functions; those employees should be covered by basic anti-discrimination laws. This case involves an employee who falls in between – a teacher of secular subjects in a religious school who also engages in some limited religious activities. ADL's brief, filed in support of respondents, argued that the exception should be treated as an “affirmative defense.” As a result, an employee would have an opportunity to make her case that she should be covered by anti-discrimination laws, and not have her claims immediately dismissed because she works for a religious institution. The ultimate burden would then be on the employer to prove that the ministerial exception applies.

Editor's note: The Supreme Court issued a unanimous decision in this case on January 11, 2012, ruling that the teacher should be considered a “minister” as defined by her church and rejecting her discrimination claim. In its opinion, the Court agreed with ADL's view that the “ministerial exception” should be considered an affirmative defense.

***Zivotofsky v. Clinton* (U.S. Supreme Court)**

This case involves the right of American citizens born in Jerusalem to list Israel as their place of birth on their passports, rather than just “Jerusalem.” Despite a 2002 law directing the Secretary of State, upon the request of the citizen or the citizen's legal guardian, to record the place of birth as Israel, the State Department manual currently provides that the passports of American citizens born in Jerusalem must say “Jerusalem,” reflecting official U.S. government policy regarding the unresolved status of Jerusalem. ADL led a coalition of ten Jewish organizations, in addition to the Association of Proud American Citizens Born in Jerusalem, Israel, in filing an amicus brief which argued that Americans born in Jerusalem should have the same right to indicate their country of birth on their passport that is currently available to other American citizens born abroad.

***Kiobel v. Royal Dutch Petroleum; Mohamad v. Rajoub* (U.S. Supreme Court)**

Civil Liberties

Jurisdiction
over foreign
corporations
and
organizations

Discrimination
Ministerial
Exception

Discrimination
Passport
Designation

Kiobel involves a group of Nigerians filing a lawsuit in the U.S. against three oil companies, seeking to hold them liable for human rights abuses allegedly committed on their behalf by Nigerian soldiers. It invokes the Alien Tort Statute (ATS), which allows foreigners to bring lawsuits in U.S. federal courts for serious violations of international human rights laws. *Mohamad* involves a U.S. citizen of Palestinian descent, who was allegedly tortured to death in a Palestinian prison in 1995. The deceased's family sued the Palestinian Authority and the PLO (as well as several Palestinian officials) under the Torture Victim Protection Act (TVPA), which allows victims of torture to bring U.S. civil lawsuits for damages against the "individual" who – while acting on behalf of a foreign government – was responsible for the torture. The Supreme Court will decide whether the TVPA and ATS permit actions against defendant organizations and corporations, or whether they were intended to apply only against natural persons, thereby shielding organizations and corporations from tort liability for human rights violations that occurred abroad. ADL joined a coalition brief in support of the position that Congress did not intend to limit the TVPA and ATS only to actions against natural persons.

THE APPELLATE AND STATE COURTS

RELEVANT DECIDED CASES FROM THE FEDERAL APPELLATE AND STATE COURTS

Free Exercise
Circumcision



JCRC of San Francisco, ADL, et. al. v. Arntz (Superior Ct. of Ca., San Fr. Cty.)

In this case, ADL departed from its usual practice of participating as an *amicus*, and joined a number of others as coplaintiffs in a lawsuit. ADL filed suit with a group of community organizations, doctors and Jewish and Muslim families challenging a proposed ballot initiative in San Francisco that would have criminalized the circumcision of males under the age of 18. The complaint called on the state Department of Elections to remove the anti-circumcision proposition from the November ballot on the grounds that the City of San Francisco would have no power to enact the ordinance even if voters approved it. Under the California Business and Professions Code, municipalities cannot "prohibit a healing arts professional licensed within the state...from engaging in any act or performing any procedure that falls within the professionally recognized scope of practice of that license." The petition urged a judge to intervene before the election in order to spare the city from wasting resources debating and voting on an ordinance that cannot become law. Additionally, the complaint argued that – as applied to *mobels* – this ordinance would violate the First Amendment's Free Exercise Clause. The court agreed that the proposition was preempted and should be removed from the ballot.

Free Exercise
Land Use for
Religious
Institutions



A.G.A. Islamic Organization, Inc. v. Lilburn, Georgia (U.S.D.C., N.D. Georgia)

On behalf of the Interfaith Coalition on Mosques (ICOM), ADL filed a brief supporting the Dar-e-Abbas congregation's federal lawsuit against the City of Lilburn, Georgia. The Dar-e-Abbas congregation has for eleven years worshiped in a building that is now over 100 years old. The lawsuit alleges that the City affirmatively prevented the congregation from building a new house of worship, and that it made no efforts to accommodate Dar-e-Abbas' need to expand by unlawfully denying applications for rezoning or spending use permits and adopting a discriminatory zoning ordinance. ICOM's brief relies upon the Religious Land Use and Institutionalized Persons Act (RLUIPA) – a federal statute ADL

was instrumental in passing – which safeguards the religious freedom of houses of worship and other religious institutions in the land-use context by requiring courts to apply a strict standard for reviewing laws that substantially burden religious exercise. In August, the City Council voted to allow the expansion of the mosque.

Estes v. Rutherford County Regional Planning Commission (Chancery Court for Rutherford County)

Opponents of a new mosque in Tennessee asked a judge to block the project arguing that in approving the mosque, county officials violated Tennessee's Sunshine Laws by failing to give proper public notice of a meeting discussing the project. On behalf of, and as part of, the Interfaith Coalition on Mosques (ICOM), ADL submitted an amicus brief to the court, arguing that a reversal of the previous land use determination permitting the mosque would substantially burden its exercise of religion and would therefore be a violation of the Religious Land Use and Institutionalized Persons Act (RLUIPA). The court dismissed many of the claims seeking to block construction of the mosque.

Doe v. Indian River School District (U.S.C.A. Third Circuit)

The Indian River School District provided school board members with the opportunity to open public school board meetings with prayer, and unfettered discretion to choose the content of that prayer. These prayers were overwhelmingly sectarian and explicitly Christian. Students regularly participate in school board meetings for school-related reasons (receiving awards, representing government, expulsion hearings) and students, as any citizens, have a right to attend the meetings. ADL argued that the District Court erred in finding that such religiously biased prayer was permitted by U.S. Supreme Court precedents, and that the presence of such blatant government-promoted sectarian prayer was disturbing and patently unconstitutional. The court agreed and held the prayer unconstitutional.

Joyner v. Forsyth County (U.S.C.A. Fourth Circuit)

According to policy adopted by the Forsyth County's Board of Commissioners, Board meetings are regularly opened with an invocation delivered by local clergy. Prayer givers are selected on a rotating basis from a database of religious congregations in the Winston-Salem area. In practice, most of the prayers have contained some reference to Jesus Christ, Savior, or the Trinity. A district court held that the prayers were a violation of the Establishment Clause and did not fall into the category of legislative prayer upheld by the Supreme Court in *Marsh v. Chambers*. The case was appealed and ADL joined an interfaith coalition in filing a brief which explained that sectarian prayer effectively excludes many members of minority religions from the civic process by discouraging those persons from attending or participating in legislative sessions. The Court upheld the district court decision invalidating the policy. Although the policy was neutral on its face, in practice it had the effect of promoting Christianity.

Log Cabin Republicans v. USA and Gates (U.S.C.A. Ninth Circuit)

A U.S. District Court Judge ruled that the military policy related to the service of gay men and women known as "Don't Ask, Don't Tell" (DADT) was unconstitutional and issued an order that suspended the law. The Government appealed the ruling to the Ninth Circuit, and stayed the suspension of DADT while the appeal proceeded. Although Congress voted to repeal the law, the repeal does not take place until 60 days after the

Free Exercise
Land Use for
Religious
Institutions



Church-State
Separation
School Board
Prayer



Church-State
Separation
Legislative
Prayer



Discrimination
Gay Rights in the
Military



President and other government officials certify that it can be implemented. ADL joined other civil rights organizations to urge the Ninth Circuit to uphold the district court's ruling that laws burdening the rights of adults to form intimate family relationships should be presumed unconstitutional. The brief also addressed the ongoing harms inflicted by DADT upon thousands of previously discharged service members. In early July 2011, the court permanently enjoined the policy. Two weeks later, upon the request of the Administration - which argued that the decision would "undermine carefully crafted efforts" to bring about an "orderly transition" in the rule - the court reinstated the law. However, the judge ordered the government not to investigate, penalize or discharge any soldier who is openly gay.

Discrimination
Public schools



Ithaca School District v. NY State Div. of Human Rights (New York State Appellate Division, Third Department)

The Ithaca City School District has argued that, as a public school district, it does not fall under the jurisdiction of the New York Human Rights Division or the New York State Human Rights Law. ADL joined a coalition of national and local civil rights organizations in an amicus brief arguing that the Law covers all educational settings, and makes no distinction between public and private schools. The Court agreed, and found that, in enacting the Human Rights Law, the Legislature intended to cover public schools.

Church-State
Separation
Standing



McCollum v. California (U.S.C.A. Ninth Circuit)

This case involves a Wiccan clergy member challenging a policy of the California Department of Corrections which limits paid clergy positions to members of five religions. The plaintiff was denied his right to bring a lawsuit because the Court thought he was not the correct party to do so. ADL joined other civil rights organizations in arguing that the clergy member deserved his day in court, and that even if being unconstitutionally denied a job an insufficient reason to challenge the policy, as a taxpayer, he has the right to challenge this use of government funds that favor some religions over others. Unfortunately, the court disagreed and found that the Wiccan clergy member did not have standing to assert the religious rights of Wiccan inmates.

Free Exercise
Religious
Accommodation



Willis v. Indiana Department of Corrections (U.S.C.A. Seventh Circuit)

The Indiana Department of Corrections offers vegan meals but refused to provide kosher meals to prisoners on the premise that they are too costly. ADL joined others in urging the court to compel the state of Indiana to serve kosher meals to Jewish prison inmates who request them for religious reasons. In addition to providing background on kashrut laws, the amicus brief argued that depriving prisoners of kosher meals creates a substantial burden under the Religious Land Use and Institutionalized Persons Act (RLUIPA), and that cost does not constitute a compelling government interest sufficient to justify that burden. The Department of Corrections voluntarily dismissed its appeal.

Discrimination
Hostile Work
Environment



Harris v. Mayor and City Council of Baltimore (U.S.C.A. Fourth Circuit)

This Title VII sexual harassment case concerns the standards for proving a hostile work environment claim. ADL joined a coalition of civil rights organizations in a brief arguing that courts may consider many factors when evaluating the severity or pervasiveness of harassing conduct and that conduct does not have to be physical in nature, nor does it have to be directed specifically at the victim, to be actionable. The brief also explained that the new, heightened standard the district court created would enable employers to ignore workplace

harassment with impunity. The 4th Circuit agreed and reversed the district court's grant of summary judgment, holding that the treatment to which Harris was subjected, looking at the totality of the circumstances, supported a finding of subjective and objective severity or pervasiveness sufficient to create an abusive work environment.

Civil Liberties

Immigration



***U.S. v. Arizona* (U.S.C.A. Ninth Circuit)**

In April 2010, Arizona enacted what was considered the most restrictive anti-immigration bill in the country. The law's provisions included a requirement that local law enforcement officers check for evidence of legal status when they have "reasonable suspicion" that someone they have stopped is unlawfully in the country. At the district court level, ADL submitted a brief supporting a motion for preliminary injunction against the law in a case called *Friendly House v. Whiting*. In *U.S. v. Arizona*, a separate case brought by the U.S. Government challenging the law on preemption grounds, the Court granted a preliminary injunction on key provisions of the law. On the appeal, ADL again filed in support of the preliminary injunction. The brief highlighted the security issues at stake with the law, underscoring ADL's concern that the new policy would deter victims and witnesses from coming forward to report crimes, particularly hate crimes, and that would impact negatively on the ability of local law enforcement agencies to keep communities safe.

***Cole v. Arkansas Department of Human Services* (Arkansas Supreme Court)**

In 2008, Arkansas voters enacted by a ballot initiative a statute barring unmarried couples from adopting or fostering children. The statute was struck down by lower courts on the basis that it violated the right to privacy and equal protection under the Arkansas Constitution. ADL joined a coalition of civil rights organizations arguing that the statute was discriminatory and that although strict scrutiny should govern, this Act failed even rational review. The brief argued that the law posed a particular burden on committed same-sex couples, who, unlike different-sex couples, have no ability to enter into a marriage recognized as valid under Arkansas law. The Arkansas Supreme Court agreed and held that the law violated individuals' right to privacy.

***Westphal v. Wagner* (U.S.C.A. Ninth Circuit)**

The elected members of the board of trustees of a public community college in California deliver prayers at a whole host of events throughout the academic year, including graduation, the annual scholarship-award ceremony, faculty-training programs, building dedications, and the like. Students are encouraged and or required to attend many of the events. For years, students, faculty, and staff have publicly objected to the District's prayer practice, requesting that a moment of silence or some other, less divisive practice be adopted instead. Plaintiffs sought an injunction which the district court denied. ADL filed a letter brief arguing that the use of prayer at public colleges violates the Establishment Clause. The parties settled the case. The settlement called for an end to prayers at scholarship ceremonies and Chancellor's Opening Session at the colleges involved, but commencement ceremonies will continue to feature either a non-sectarian prayer or moment of silence.

***Doe v. Vermillion* (U.S.C.A. Fifth Circuit)**

A public middle school separated male and female students into single-sex classes for all core academic subjects. In assessing whether this student classification was discriminatory, the district court inquired whether the program "would be in the best interest of the

Discrimination

Adoption rights



Church-State Separation

Prayer at Public College



Discrimination

Sex-based discrimination



children” and whether the classification was intended to “harm” the children, rather than applying the longstanding form of heightened scrutiny normally employed to review sex-based classifications. ADL joined a coalition of civil rights organizations asserting that the district court erred in its unusual ruling and that sex-based classifications should be evaluated using civil rights law standards rather than a misapplied family law test. While the court did emphasize that a heightened scrutiny test should be applied, the court dismissed and remanded the appeal on procedural grounds.

Discrimination
Public Funding
of Religious
Discrimination



Spencer v. World Vision, Inc. (U.S.C.A. Ninth Circuit, en banc)

Three employees of World Vision, an evangelical Christian relief agency, were terminated because their religious viewpoints were in conflict with the agency. The Plaintiffs contended that because World Vision accepted government funding, it could not be a religious corporation entitled to a Title VII exemption. The District Court and the Ninth Circuit both ruled that World Vision had the right to fire the workers based on their religious viewpoint because the organization was a religious corporation and entitled to an exemption from Title VII. The court broadly concluded that World Vision’s receipt of government funding was immaterial to whether World Vision can avail itself of the exemption. ADL joined a coalition in urging review by the *en banc* panel and arguing that the question of whether the acceptance of government funding prohibits an organization from qualifying for the religious corporation’s exception is a significant issue that should be given careful consideration. The petition for rehearing *en banc* was denied.

Church-State
Separation
Religious
Displays



Ohio ACLU v. DeWeese (U.S.C.A. Sixth Circuit)

A judge who had previously been ordered to remove a Ten Commandments display from his courtroom was sued over his newest display called "Philosophies of Law in Conflict." This poster purports to contrast the “moral absolutes” of the Ten Commandments (displayed on the poster) with the “moral relatives” of “humanist principles.” ADL joined with Americans United, the Interfaith Alliance, the Hindu American Foundation and the Union for Reform Judaism in arguing that the ACLU had standing to bring a challenge. The brief also argued that Judge DeWeese’s rationalization for the Ten Commandments display as legal theory is another in a long line of efforts to secularize religious doctrines in attempts to evade Establishment Clause concerns. The Court agreed with the League that the Ten Commandments display violated the First Amendment of the Constitution.

FILED AND AWAITING DECISION

FROM THE FEDERAL APPELLATE AND STATE COURTS 2011

Civil Liberties
Immigration

Hispanic Interest Coalition of Alabama, et al. v. Bentley (U.S.C.A. 11th Circuit)

In 2011, Alabama enacted the most restrictive anti-immigrant law in the country to date. The law, among other things, grants local law enforcement officers the authority to investigate the immigration status of any person lawfully stopped based on “reasonable suspicion” that they may be in the country unlawfully. ADL submitted a brief to the District Court supporting a motion for preliminary injunction against the law. The brief highlighted the security issues at stake with the law, underscoring ADL’s concern that the new policy would deter victims and witnesses from coming forward to report crimes and

that would impact negatively on the ability of local law enforcement agencies to keep communities safe. In September 2011, the District Court declined to enter a preliminary injunction. A few weeks later in October, the 11th Circuit Court of Appeals left most of the law intact, but issued a preliminary injunction against two sections: (1) a section of the law requiring schools to determine the immigration status of children enrolling in school for the first time, as well as their parents; (2) a section making it a state crime for illegal immigrations to fail to carry registration documents. In November 2011, ADL filed a brief with the 11th Circuit, supporting a motion for preliminary injunction against the entire law.

Civil Liberties
Immigration

Deal, et al. v. Georgia Latino Alliance for Human Rights (U.S.C.A. Eleventh Circuit)

In May 2011, Georgia enacted an anti-immigrant law which, among other things, authorized state and local law enforcement officers to investigate the immigration status of any individual who they have “probable cause” to suspect has committed any criminal violation. The law also granted immunity to law enforcement officials for damages or liability resulting from its enforcement. ADL submitted a brief supporting a motion for preliminary injunction against the statute. The brief highlighted the security issues at stake, underscoring ADL’s concern that the new policy would deter victims and witnesses from coming forward to report crimes, and that would in turn impact negatively on the ability of local law enforcement agencies to keep communities safe. The Court agreed, and enjoined the law; the decision was appealed. ADL submitted a brief to the 11th Circuit, seeking to affirm the preliminary injunction.

Civil Liberties
Immigration

Lowcountry Immigration Coalition, et al. v. Haley, et al. (U.S.D.C. South Carolina)

In June 2011, South Carolina passed an anti-immigrant law, the most contentious part of which required local law enforcement to check the immigration status of any person they believed to be in the country illegally. The law also made it a crime to harbor or transport an undocumented person. ADL submitted a brief opposing the statute and supporting a motion for preliminary injunction. The brief focused on the possible corrosive effects the new law could have on the relationship between local law enforcement and the community. In December 2011, the Court agreed and blocked the most controversial provisions from taking effect.

Church-State
Separation
Government
funding

Rabbi Merrill Shapiro, et. al. v. Kurt Browning (Cir. Ct. Second Judicial Ct., FL)

ADL is serving as co-counsel in a case brought by clergy, Florida educational associations, and other concerned Floridians which seeks to strike a proposed amendment from Florida’s November 2012 ballot. This measure would remove from the Florida Constitution essential church-state protections which prohibit the state from directly or indirectly funding houses of worship or other religious institutions. The ballot amendment would replace these protections with language requiring public funding of religious individuals or entities under many circumstances. The basis for the lawsuit is that ballot amendment’s title and summary are misleading as to the true effect of the measure in violation of the Florida Constitution and a state statute. Specifically, the title, “Religious Freedom,” misleadingly suggests to voters that the amendment would expand religious freedom when in fact it would harm religious liberty.

Church-State
Separation
Consideration of
foreign law

Awad v. Ziriax, et. al. (U.S.C.A. Tenth Circuit)

In November 2010, Oklahoma voters approved the “Save Our State Amendment.” This state constitutional provision specifically prohibits Oklahoma courts from considering Islamic (Sharia) Law, as well as generally prohibiting consideration of legal precepts from other nations or cultures. A federal district court granted a preliminary injunction barring implementation of the amendment. Arguing that the amendment violates the federal Establishment Clause, ADL’s amicus brief asked the Tenth Circuit to affirm the lower court decision. Specifically, it reasoned that fundamental to the Establishment Clause is a prohibition on approval or disapproval of any particular faith. Furthermore, the plain text of the amendment, as well as the circumstances surrounding its legislative passage, clearly demonstrate disapproval of the Islamic tradition. Therefore, the measure discriminates against Islam in violation of the Establishment Clause.

Free Exercise
Land Use for
Religious
Institutions

Islamic Center of N. Fulton, Inc. v. Alpharetta, Georgia (U.S.D.C. N.D. Georgia)

On behalf of the Interfaith Coalition on Mosques (ICOM), ADL filed a brief supporting the assertion of the Islamic Center of North Fulton, a non-profit organization that runs an Islamic house of worship in Alpharetta, Georgia, that its plan to construct a new worship center to accommodate its growing congregation was illegally blocked by the City of Alpharetta. The City rejected the Islamic Center’s application to expand, citing a condition against expansion which Fulton County had imposed on the center in 1998 (following a demand by the Fairfax Homeowners Association). ICOM’s brief relies upon the Religious Land Use and Institutionalized Persons Act (RLUIPA) which safeguards the religious freedom of houses of worship and other religious institutions in the land-use context by requiring courts to apply a strict standard for reviewing laws that substantially burden religious exercise.

Discrimination
Marriage rights

Perry v. Schwarzenegger (U.S.C.A. Ninth Circuit)

In 2009, California voters passed an amendment to the California Constitution banning same-sex marriage (“Proposition 8”). Plaintiffs challenged the new state constitutional provision as being a violation of the U.S. Constitution. ADL filed a brief urging the court to find the ban on same-sex marriage unconstitutional. Specifically, the brief argued that the segregated system of domestic partnership and marriage raised serious privacy concerns. Unlike married opposite-sex couples, same-sex couples find themselves repeatedly required to disclose their domestic partnership relationship in order to exercise comparable rights. This violation of privacy can lead to discrimination, violence and loss of dignity.

Discrimination
Marriage rights

Massachusetts v. HHS and Hara, Gill, et al. v. OPM (U.S.C.A. First Circuit)

Defendants are appealing a July 2010 Massachusetts district court decision invalidating Section 3 of the “Defense of Marriage Act” (DOMA), a discriminatory and unconstitutional law passed in 1996. The District Court’s decision provided equal protection under the law to all civilly married couples – including same-sex couples – and empowered religious groups with the freedom to choose how to define marriage. Joining the League on the brief was a distinguished group of 21 religious organizations, representing many different faith traditions and cultures. The brief argues that religious views of marriage are distinct and separate from a civil understanding of marriage; DOMA flouts this longstanding Establishment Clause principle by not only writing one particular religious understanding of marriage into federal law but by failing to provide a secular

reason for doing so. The brief also argues that DOMA fails to satisfy equal protection and due process constitutional analyses.

INDEX OF CASES FILED IN 2010 AND 2011

Civil Liberties

Hispanic Interest Coalition of Alabama, et al. v. Bentley (U.S.D.C. N.D. Alabama, 2011)
Hispanic Interest Coalition of Alabama, et al. v. Bentley (U.S.C.A. 11th Cir, 2011)
Georgia Latino Alliance for Human Rights, et al. v. Deal (U.S.D.C., N.D. Georgia)
Deal, et al. v. Georgia Latino Alliance for Human Rights (U.S.C.A. Eleventh Circuit, 2011)
McDonald v. City of Chicago (U.S. Supreme Court, 2010)
Snyder v. Phelps (U.S. Supreme Court, 2010)
U.S. v. Arizona (Ninth Circuit, 2010)
Friendly House v. Whiting (U.S. District Court, Arizona, 2010)
Lowcountry Immigration Coalition, et al., v. Haley, et al. (U.S.D.C. South Carolina, 2011)
Kiobel v. Royal Dutch Petroleum; Mohamad v. Rajoub (U.S. Supreme Court, 2011)
North Syracuse Central School District v. New York State Division of Human Rights (N.Y. Ct. Appeals, 2011)

Discrimination

Hosanna-Tabor Evangelical Lutheran v. EEOC (U.S. Supreme Court, 2011) Zivotofsky v. Clinton (U.S. Supreme Court, 2011)
Log Cabin Republicans v. USA and Gates (Ninth Circuit, 2011)
Chamber of Commerce v. Whiting (U.S. Supreme Court, 2010)
Christian Legal Society v. Martinez (U.S. Supreme Court, 2010)
Perry v. Schwarzenegger (Ninth Circuit, 2010)
Spencer v. World Vision (Ninth Circuit, 2010)
Doe v. Vermillion (Fifth Circuit, 2010)

Lewis v. Harris (New Jersey Supreme Court, 2010)
Ithaca School District v. NY Division of Human Rights (New York Appellate, 2010)
Massachusetts v. HHS; Hara, Gill, et al. v. OPM (USCA First Circuit, 2011)
Cole v. Arkansas Department of Human Services (Arkansas Supreme Court, 2010)
Massachusetts v. HHS and Hara, Gill, et al. v. OPM (U.S.C.A. First Circuit, 2011)

Free Exercise of Religion

JCRC of San Francisco, ADL, et. al. v. Arntz (Superior Ct. of Ca., San Fr. Cty., 2011)
Islamic Center of N. Fulton v. Alpharetta, Georgia (U.S.D.C. N.D. Georgia, 2011)
A.G.A. Islamic Organization, Inc. v. Lilburn, Georgia (U.S.D.C., N.D. Georgia, 2011)
Willis v. Indiana Department of Corrections (U.S.C.A. Seventh Circuit, 2011)
Estes v. Rutherford County Planning Commission (Chancery Ct, Rutherford County, 2010)

Separation of Church and State

Shapiro v. Browning (Cir. Ct. Second Judicial Ct., FL, 2011)
Awad v. Ziriax, et. al. (U.S.C.A. Tenth Circuit, 2011)
Arizona Christian School Tuition Organization v. Winn (U.S. Supreme Court, 2010)
Westphal v. Wagner (Ninth Circuit, 2010)
Doe v. Indian River School District (Third Circuit, 2010)
Joyner v. Forsyth (Fourth Circuit, 2010)
ACLU of Ohio v. DeWeese (Sixth Circuit, 2010)