

# Interfaith Coalition on Mosques

## Summary of Advocacy

Since its formation in September 2010, ICOM conducted advocacy on behalf of five Muslim congregations, including the filing of five amicus briefs in state and federal courts. The following is a summary of ICOM's activities:

### September 2010 - Islamic Center of Murfreesboro, TN

On September 23, 2010, [ICOM filed an amicus brief in a case entitled, \*Estes v. Rutherford County Regional Planning Commission\*](#) (Chancery Court for Rutherford County, TN).

Opponents of a new mosque just outside of Murfreesboro, TN asked a judge to block the project, arguing that county officials improperly approved the mosque's zoning application. The opponents also contended that officials violated Tennessee's Sunshine Laws by failing to give proper public notice of a meeting discussing the project. ICOM's *amicus* brief argued that a reversal of the previous land use determination permitting construction of the mosque would substantially burden its exercise of religion and would therefore be a violation of the federal Religious Land Use and Institutionalized Persons Act (RLUIPA).

On November 18, 2010, the presiding judge issued a decision dismissing most of the plaintiffs' claims, including the claim that the city planning commission had acted inappropriately in granting the Islamic Center of Murfreesboro permission to build a mosque. The plaintiffs lost all of its appeals of this ruling, including the U.S. Supreme Court denying a *petition for certiorari* in June 2014. In the interim, the construction on the Center was completed.

## January 2011 - Islamic Center of Temecula Valley, CA

On January 12, 2011, ICOM sent a detailed letter to the Temecula, CA City Council (“Council”) urging it to affirm a decision authorizing the Islamic Center of Temecula Valley (“Center”) to construct a new mosque on property acquired by the Center, which is adjacent to two established churches.

In December 2010, the local planning commission granted the Center a conditional use permit (“CUP”) to construct a mosque based on the determination that the project complied with local laws and would be aesthetically suitable to the community. Subsequently, opponents of the mosque filed an appeal to the City Council.

Some opponents of the mosque voiced concerns regarding increased traffic, congestion, and noise. However, others engaged in blatant anti-Islamic bigotry – raising fears about Shari’a law and the possibility that the Center would serve as refuge for terrorists. For instance, Diana Serafin, a leader of the mosque opponents said:

We have a constitutional right to freedom of religion. ... But Islam is more than a religion. It is an ideology to enforce Shari’a law in America, and Shari’a law is in direct contrast to the American Constitution.

ICOM’s January 12<sup>th</sup> letter to the Council argued that a grant of the opponents’ appeal would violate RLUIPA, and urged it to affirm the City’s original grant of the CUP. On January 27<sup>th</sup>, after a lengthy eight-hour hearing ending at 3:30 a.m., the City Council unanimously affirmed the issuance of the CUP and approved the mosque.

### March 2011 - A.G.A. Islamic Organization, Inc. of Lilburn, GA

On March 2, 2011, [ICOM filed an amicus brief supporting the A.G.A. Islamic Organization's federal lawsuit against Lilburn, GA](#) in a case entitled, *A.G.A. Islamic Organization, Inc. v. Lilburn, Georgia* (U.S.D.C., N.D. Georgia).

For 11 years, A.G.A. Islamic Organization (a.k.a. the Dar-e-Abbas congregation) worshiped in a 100-year-old building. The lawsuit alleged 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 special use permits and adopting a discriminatory zoning ordinance.

ICOM's *amicus* brief provided an in-depth explanation of RLUIPA's strict standards applicable to government entities. Furthermore, the brief argued that based on its treatment of Dar-e-Abbas, Lilburn violated RLUIPA.

In August 2011, the City settled this lawsuit and a companion lawsuit brought by the U.S. Department of Justice. The settlement required the City's approval of the Dar-e-Abbas' application to expand its worship center, as well as general compliance with RLUIPA, training, and monitoring for a period of five years.

### May 2011 & June 2012 - Islamic Center of North Fulton, Inc. of Alpharetta, GA

On May 2, 2011, [ICOM filed an amicus brief supporting the Islamic Center of North Fulton's federal lawsuit against Alpharetta, GA](#) in a case entitled, *Islamic Center of N. Fulton, Inc. v. Alpharetta, Georgia* (U.S.D.C. N.D. Georgia).

The Islamic Center of North Fulton (“Center”), a non-profit organization, runs an Islamic house of worship in Alpharetta, GA. The Center claimed that its plan to construct a new house of worship to accommodate a 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).

Similar to its brief in the *A.G.A. Islamic Organization* case, ICOM’s *amicus* brief provided an in-depth explanation of RLUIPA’s strict standards applicable to government entities. The brief further argued that in regard to its treatment of the Center, Alpharetta could not satisfy these rigorous standards.

In November 2011, the trial court issued a decision in favor of the City, which the Center appealed to the U.S. Court of Appeals for the Eleventh Circuit. In June 2012, ICOM submitted an *amicus* brief to the Eleventh Circuit in support of the Center. The brief argued that the trial court erroneously applied RLUIPA’s stringent standards to the facts at issue before it. In December 2013, the case settled. Pursuant to the settlement, the City approved a reduced expansion of the mosque.

#### **June 2011 & February 2014 - Al Falah Center of Bridgewater, NJ**

On June 22, 2011, ICOM submitted a letter to Township of Bridgewater, NJ Council (“Council”) urging it to reconsider the Al Falah Center’s (“Al Falah”) zoning application to convert a former banquet hall into a mosque.

For a decade, Al Falah rented space for worship services, including a Redwood Inn (“Property”) for larger gatherings. In 2010, the Property came on the market and Al Falah signed a contract of sale scheduled to close in October 2011. At the time of contract’s execution the Property was zoned for houses of worship. However, on an expedited basis, the Council subsequently adopted a zoning plan placing new traffic restrictions on houses of worship and other facilities. Documents from

Summit County and the Township reflect that the Property and houses of worship in the Township generally do not raise significant traffic issues. The new zoning plan effectively prohibits operation of the Property as a house of worship without a variance. Furthermore, the plan has no impact on the 17 existing houses of worship in the municipality, none of which are mosques.

In response to the new zoning plan, Al Falah filed a federal lawsuit against the Township entitled, *Al Falah Center, et. al. v. Township of Bridgewater, et. al.* (D. N.J.). Additionally, the U.S. Department of Justice, Civil Rights Division commenced an investigation regarding the Township's treatment of Al Falah.

Prior to ICOM submitting a letter to the Council, a member of ADL's staff visited the Property, which is approximately 15,500 square feet, has 230 parking spaces, and is located on 7.64 acres. According to the ADL staff member, the Property did not appear to pose any traffic concerns.

ICOM's letter expressed both practical and legal concerns. Specifically, the Property's prior and prospective uses are similar. Therefore, the use of the Property for a mosque should not pose an issue. Furthermore, the circumstances of the Council's adoption of the zoning plan likely violated RLUIPA. Therefore, the letter urged the Council to reconsider its adoption of the new zoning plan and Al Falah's zoning application.

In September 2013, the trial court issued a decision in favor of Al Falah, which the Council appealed to the U.S. Court of Appeals for the Third Circuit. In February 2014, [ICOM submitted an amicus brief to the Third Circuit](#) in support of Al Falah. The brief articulated the correct standards under RLUIPA and argued that the Council's adoption of the new zoning plan and its application to Al Falah violated RLUIPA.

Before the Third Circuit issued a decision, the Council in late 2014 settled the lawsuit for \$7.75 million. Under the settlement terms, the Council paid \$2.75 million to buy an alternative 15-acre



property for Al Falah and the Township's insurance carrier paid the congregation another \$5 million for alleged damages and attorney's fees.

**PROVIDED BY: Civil Rights Division**