No. 25-965

IN THE

Supreme Court of the United States

DANIEL GRAND,

Petitioner,

v.

CITY OF UNIVERSITY HEIGHTS, OHIO, *et al.*,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

BRIEF OF PACIFIC JUSTICE INSTITUTE AS *AMICUS CURIAE* IN SUPPORT OF PETITIONER

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STATEMENTS OF INTEREST[1]

The Pacific Justice Institute (PJI) is a non-profit legal organization established under § 501(c)(3) of the Internal Revenue Code. Since 1997, PJI has advised and represented in court scores of religious institutions in religious land use matters. PJI thus has an institutional interest in the interpretation of the Religious Land Use and Institutionalized Persons Act (RLUIPA).

SUMMARY OF ARGUMENT

RLUIPA is a federal law that functions to promote the free exercise of religion. It does not exempt religious land uses from ordinary zoning rules, but it does forbid the government from suppressing home worship, burdening it because it is religious, and conditioning its continuation on official permission.

The City's cease-and-desist letter inflicted a concrete and present injury on Daniel Grand's religious exercise, making his RLUIPA claims fit for review because the City took a definite, coercive position by classifying his planned home prayer gatherings as unlawful religious use, ordering him to stop, and threatening penalties unless he obtained discretionary approval.

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1. No counsel for any party authored this brief in whole or in part. No person or entity other than amici and their counsel made a monetary contribution intended to fund the preparation or submission of this brief. Pursuant to Rule 37.2, this brief is filed earlier than ten days before the due date and therefore serves as notice.

The City's actions also violate RLUIPA's Equal Terms Clause because it did not apply neutral rules governing residential impacts to all comparable gatherings alike; rather, it singled out the religious character of Grand's gatherings and subjected them to a more burdensome approval process than materially similar secular gatherings in a home. By forcing Grand to choose between ceasing communal prayer and entering a discretionary permitting regime backed by threatened enforcement, the City imposed a substantial burden on religious exercise through an individualized assessment system.

Mr. Grand's faith as a practicing Orthodox Jew places him in the local community as a religious minority. Religious minorities have the right to practice and share their beliefs. Those practicing in minority faiths deserve as much protection from government interference as those within majority faiths. In this respect, *Employment Division, Department of Human Resources of Oregon v. Smith*, 494 U.S. 872 (1990), should be re-evaluated. *See also* Christopher C. Lund, *Second-Best Free Exercise*, 91 Fordham L. Rev. 843, 845-849, 870-875 (2022). The burden on faith that the Native American Indians suffered in Smith within the employment context can also be present in the religious land use context.

This country was founded, in part, on the foundational principle that faith is personal to the individual. "Freedom of conscience and freedom to adhere to such religious organizations or form of worship as the individual may choose cannot be restricted by law." *Cantwell v. Connecticut*, 310 U.S. 296, 303 (1940). The government cannot decide which religion or faith has more value over

another.[2] In doing so, the government would inevitably select religious practices, intertwining them into the community at large, to the benefit of some and to the detriment of others. Furthermore, the wall of separation between church and state, meant to provide a safeguard against practices tending to favor majority faiths, will crumble[3] and ultimately lead to widespread religious persecution.

This country was founded, in part, on the principle that our ultimate liberty comes from the God of Heaven. Therefore, no human being has the authority to withhold what has been ordained since the Garden of Eden.

ARGUMENT

I. RLUIPA

a. Grand's RLUIPA Claims Are Fit for Review Because the City Took a Definite, Coercive Position Against His Proposed Religious Use.

RLUIPA was enacted to address a familiar pattern in local land-use law: religious exercise is often burdened not by outright prohibition, but by discretionary permitting, ad hoc enforcement, and official judgments that turn on the religious character of the proposed use. *See* 42 U.S.C. § 2000cc(a), (b); *Cutter v. Wilkinson*, 544 U.S. 709, 714-17 (2005); 146 Cong. Rec. S7774, S7775-76 (daily ed. July

2. *See* Christopher C. Lund, *Second Best Free Exercise*, 91 FORDHAM L. REV. 843, 867 (2022).

3. *See* Thomas C. Berg, *Minority Religions and the Religion Clauses*, 82 WASH. U. L.Q. 919, 937 (2004).

27, 2000) (joint statement of Sens. Hatch and Kennedy); Roman P. Storzer & Anthony R. Picarello, Jr., *The Religious Land Use and Institutionalized Persons Act of 2000: A Constitutional Response to Unconstitutional Zoning Practices*, 9 Geo. Mason L. Rev. 929, 931-36 (2001). Congress was especially concerned with zoning schemes that permit religious assemblies only through "highly individualized and discretionary processes," because those processes are uniquely susceptible to unequal treatment and suppression of minority religious practice. 146 Cong. Rec. at S7775-76.

That concern matters here in two related ways: Grand's claims are ripe because the City already imposed a concrete burden, and the City's cease-and-desist order most directly triggered RLUIPA's substantial-burden protection, while also supporting an equal-terms claim. Grand's Orthodox Jewish practice required communal prayer with a quorum of ten Jewish adults; after he invited neighbors to Sabbath prayer gatherings at his home, a neighbor forwarded the invitation to city officials; and the City's law director then sent a cease-and-desist letter stating that Grand's home could not be used as "a place of religious assembly" or as "a shul or synagogue" in the residential district and warning of code citations if he continued. Grand then canceled the next gathering and applied for a special-use permit. *Grand v. City of Univ. Heights*, 159 F.4th 507, 509-10 (6th Cir. 2025). Those facts demonstrate a concrete burden on religious exercise imposed prior to any permit denial.

The Sixth Circuit nonetheless held the claims unripe because Grand withdrew his permit application before the zoning process ran its course and because, in that

court's view, the cease-and-desist letter was neither a final decision nor an enforcement action. *Grand*, 159 F.4th at 511-16. That approach cannot be reconciled with this Court's insistence that finality is "relatively modest" and does not authorize lower courts to impose an exhaustion requirement under another name. *Pakdel v. City & Cnty. of S.F.*, 594 U.S. 474, 478-80 (2021) (per curiam). Once the government has arrived at a definitive position and inflicted an actual, concrete injury, the dispute is ripe for judicial resolution. *Id.* at 478-79.

That is this case. The City's position was not tentative; it identified the proposed conduct as religious, declared it unlawful without discretionary approval, and backed that declaration with threatened sanction. A believer who halts religious exercise in direct response to such an order has already suffered the kind of concrete injury that ripeness doctrine is meant to separate from mere speculation. To require more is to require the religious adherent to continue through the very discretionary process Congress identified as the source of the harm. RLUIPA does not demand that a homeowner persist through an allegedly discriminatory permitting scheme, at risk of ongoing suppression of worship, before he may invoke federal protection.

The Fifth Circuit's treatment of facial and pre-enforcement RLUIPA claims points in the same direction. In *Opulent Life*, the court held that the church's facial RLUIPA challenge was ripe because it presented a purely legal attack on the zoning regime and because the city had already subjected the church to the burdens of the challenged process. *Opulent Life Church v. City of Holly Springs*, 697 F.3d 279, 287-88 (5th Cir. 2012). *Opulent Life*

recognized that the loss of First Amendment and RLUIPA freedoms constitutes irreparable harm because the burden on religious exercise occurs immediately, not only after the final bureaucratic step is completed. *Id.* at 295-96. The same principle applies here: once the City ordered worship to stop unless Grand secured discretionary permission, the injury had already occurred.

At a minimum, this Court should hold that when local officials definitively classify a homeowner's planned prayer gatherings as unlawful religious use, direct him to cease, and threaten penalties absent discretionary approval, RLUIPA claims challenging that regime are fit for review. Demanding anything more would undercut both *Pakdel* and the federal forum Congress provided in RLUIPA.

b. RLUIPA's Equal Terms Clause Forbids Requiring Discretionary Approval for Small Religious Gatherings in a Home While Allowing Comparable Secular Gatherings as of Right.

RLUIPA's Equal Terms Clause provides that "[n]o government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution." 42 U.S.C. § 2000cc(b)(1). That command prohibits a municipality from attaching worse legal consequences to an assembly because the gathering is religious. *Midrash Sephardi, Inc. v. Town of Surfside*, 366 F.3d 1214, 1231-32 (11th Cir. 2004). It is not a demand for special treatment. It is a rule of parity. *Primera Iglesia Bautista Hispana of Boca Raton, Inc. v. Broward Cnty.*, 450 F.3d 1295, 1307 (11th Cir. 2006).

Although Grand's strongest RLUIPA theory arises from the substantial burden imposed by the City's order to stop worship unless he secured permission, the same facts also support an equal-terms violation because the City singled out the religious character of the gathering as the trigger for discretionary review. The proper comparator here is not a large institutional synagogue. It is a materially similar secular gathering in a residence. The best-reasoned courts ask whether religious assemblies are treated less favorably than similarly situated non-religious assemblies with respect to the zoning criteria or regulatory interests the government invokes. *See Lighthouse Inst. for Evangelism, Inc. v. City of Long Branch*, 510 F.3d 253, 266-70 (3d Cir. 2007); *Centro Familiar Cristiano Buenas Nuevas v. City of Yuma*, 651 F.3d 1163, 1172-73 (9th Cir. 2011); *Opulent Life*, 697 F.3d at 291-93. The inquiry, in other words, is practical: do the secular and religious gatherings generate comparable land-use effects, and if so, is religion alone routed into a more burdensome approval scheme?

That framework fits the facts here. The City did not begin by applying neutral rules governing noise, parking, occupancy, or nuisance to all residential gatherings alike. It began with the religious character of Grand's activity. The City identified the proposed use as a "place of religious assembly," a "shul," or a "synagogue," and on that basis required Grand to seek discretionary approval before continuing prayer in his home. *Grand*, 159 F.4th at 509-10. In substance, then, the gathering became a zoning problem because it was religious.

Konikov confirms the point. There, the Eleventh Circuit explained that a county violates RLUIPA's

equal-terms guarantee when groups that meet with similar frequency are treated differently only because the purpose of their assembly is religious. *Konikov v. Orange Cnty.*, 410 F.3d 1317, 1329 (11th Cir. 2005). That principle is particularly apt in the home-gathering setting. The decisive question is not whether a city may regulate residential impacts at all; it is whether the city has made religious purpose, rather than neutral land-use effects, the trigger for heightened regulation. Here, the City's own framing of Grand's activity as religious assembly did exactly that.

That is the core evil the Equal Terms Clause addresses. The Clause is violated when a zoning code or its implementation allows comparable secular assemblies as of right while burdening religious assemblies with a special use permit or equivalent discretionary hurdle. *See New Harvest Christian Fellowship v. City of Salinas*, 29 F.4th 596, 604-08 (9th Cir. 2022) (recognizing prima facie unequal treatment where an ordinance expressly distinguishes religious from nonreligious assemblies); *Church at Jackson v. Hinds Cnty.*, 2021 WL 4302533, at *7-9 (S.D. Miss. Sept. 23, 2021) (same). The narrower and more administrable rule is thus also the more faithful one: in a residential setting, a city may regulate external effects directly, but it may not require discretionary permission for gatherings because their purpose is religious.

That rule is especially important for home-based worship. Congress defined "religious exercise" broadly to include "the use, building, or conversion of real property for religious exercise." 42 U.S.C. § 2000cc-5(7)(B). For smaller congregations, minority faith communities, and traditions in which home prayer is recurrent rather than

exceptional, the home is not an incidental site of worship. A zoning regime under which ordinary home gatherings are permitted until they become religious would therefore operate as a structural disability on religious exercise, especially for communities that do not conform to the municipality's assumptions about what a "real" house of worship looks like.

This Court should make clear that § 2000cc(b)(1) forbids a municipality from requiring discretionary land-use approval for small home-based religious gatherings while permitting materially similar secular gatherings without comparable burdens. That holding would protect religious equality without exempting religion from zoning. Municipalities would remain free to enforce neutral rules tied to traffic, parking, safety, noise, fire code, and nuisance. What they may not do is single out religious assembly for worse treatment.

c. The City's Cease-And-Desist Order and Compelled Special-Use Permit Process Imposed a Substantial Burden Through an Individualized Assessment Regime.

RLUIPA's substantial burden provision applies when a land-use regulation imposes a substantial burden on religious exercise, including through "a system of land use regulations, under which a government makes . . . individualized assessments of the proposed uses for the property involved." 42 U.S.C. § 2000cc(a)(1), (a)(2)(C). A special-use-permit system is the paradigm of such a regime because officials consider the particular details of the proposed use under open-ended standards such as compatibility, traffic, neighborhood character, and

intensity of use. *Guru Nanak Sikh Soc'y of Yuba City v. County of Sutter*, 456 F.3d 978, 986-88 (9th Cir. 2006); *Int'l Church of the Foursquare Gospel v. City of San Leandro*, 673 F.3d 1059, 1067-68 (9th Cir. 2011); *Westchester Day Sch. v. Vill. of Mamaroneck*, 504 F.3d 338, 349-50 (2d Cir. 2007). Congress specifically targeted that sort of "highly individualized and discretionary" land-use decision-making. 146 Cong. Rec. at S7775-76.

This is the primary substantive RLUIPA problem in Grand's case: the City imposed immediate, concrete pressure to stop religious exercise unless Grand submitted to an individualized permitting regime. The burden here was substantial because the City forced an immediate choice: stop religious gatherings or submit to a discretionary process under threat of sanction. Grand did not merely face added cost or delay. He received a directive that his proposed religious use was unlawful, canceled the next prayer gathering, and sought a permit only because the City had ordered him to do so. *Grand*, 159 F.4th at 509-10. Government action that places significant pressure on a religious adherent to modify or forego religious exercise imposes a substantial burden in the ordinary sense of that phrase. *See Holt v. Hobbs*, 574 U.S. 352, 361-62 (2015); *Midrash Sephardi*, 366 F.3d at 1227-28; *Fortress Bible Church v. Feiner*, 694 F.3d 208, 219 (2d Cir. 2012).

Thai Meditation reinforces that a burden need not amount to total prohibition to qualify as substantial, but it must be more than a mere inconvenience or incidental effect. *Thai Meditation Ass'n of Ala. v. City of Mobile*, 980 F.3d 821, 830-32 (11th Cir. 2020). That clarification strengthens, rather than weakens, Grand's position.

He does not contend that all religious exercise became impossible. He contends that the City imposed concrete pressure to cease the very communal prayer at issue unless he first secured official permission. That is precisely the sort of coercive burden RLUIPA addresses.

This case is therefore unlike the decisions holding that RLUIPA does not federalize every zoning inconvenience. Courts are right to reject claims based only on added expense, delay, or a preference for a more desirable site. *See Livingston Christian Schs. v. Genoa Charter Twp.*, 858 F.3d 996, 1003-06 (6th Cir. 2017); *Civil Liberties for Urban Believers v. City of Chicago*, 342 F.3d 752, 761-62 (7th Cir. 2003); *Petra Presbyterian Church v. Vill. of Northbrook*, 489 F.3d 846, 851 (7th Cir. 2007). RLUIPA does not grant a "free pass" from land-use regulation. But this case involves more than ordinary zoning friction. The City halted ongoing home prayer because it was religious and conditioned any continuation on individualized permission. That is precisely the sort of coercive burden Congress meant to prevent.

Nor has the City shown why neutral alternatives would not suffice. If the actual concern is parking, occupancy, noise, fire safety, or neighborhood disruption, those concerns can be regulated directly and evenhandedly. *Cutter* emphasized that RLUIPA must be applied with due regard for legitimate governmental interests and third-party burdens. *Cutter*, 544 U.S. at 722-23. Nothing in Grand's position disables municipalities from protecting residential neighborhoods through neutral rules. What RLUIPA forbids is using a discretionary permit regime as a proxy for regulating religion itself.

The proper rule is accordingly a narrow one. When local officials order a homeowner to cease collective prayer, threaten enforcement, and require him to seek discretionary approval because the gatherings are religious, the resulting burden is substantial within the meaning of RLUIPA, and the municipality must justify that burden under the statute's demanding standard. That rule respects local land-use authority while preserving the basic principle Congress enacted: religious exercise, including worship in the home, may not be relegated to the sufferance of local discretion.

II. MINORITY RELIGIONS

a. Informal Enforcement Measures Will Unfairly Target Minority Religions, and the Wall of Separation Between Church and State Will Crumble.

The City of University Heights Mayor Michael Brennan ("Mayor Brennan") subjected Mr. Grand and his attorney to a quasi-judicial hearing due in part to numerous letters and emails from residents objecting to Grand's application for a special use permit. *See Grand v. City of University Heights*, No. 1:22-cv-1594 *11, 14, 2024 U.S. Dist. LEXIS 176340 * (N.D. OH. Sept. 30, 2024). Even though a Planning Commission meeting had not been previously held in this matter and no formal notice of the change in procedure was received by either Grand or his counsel, Grand was forced to endure hostility from Mayor Brennan with no additional opportunities to present evidence supporting his application request.

i. Minority religions will continue to face hostility in their quest to observe their sincerely held religious beliefs.

Open hostility to minority or unfamiliar faiths is not a new phenomenon. Various faith groups around the country have filed cases alleging harassment by residents and town officials. In *Jesus Christ is the Answer Ministries, Inc. v. Baltimore County*, 915 F.3d 256 (4th Cir. 2019), Reverend Lucy Ware purchased a property that had several amenities, including a building, which would allow her non-denominational congregation to grow. After additional improvements were made to the property, services were held. The reverend filed a petition with the county to approve the property for church usage; however, several of the neighbors displayed "open hostility" towards the church, spewing hateful comments about the church and church members. The property was vandalized, and racial slurs were used by the neighbors. *Id.* at 258-259. The reverend's petition was denied, and after a second petition was submitted, more neighbors complained about the church. The second petition was dismissed. *Id.* at 260.

The church filed suit alleging discrimination on the basis of religion. Within their decision, the court noted how the sequence of events led to a challenged decision on land use matters. *See also Sylvia Dev. Corp. v. Calvert Cty.*, 48 F.3d 810, 819 (4th Cir. 1995); *United States v. Cnty. of Culpeper*, 245 F. Supp. 3d 758, 770 (W.D.Va. March 29, 2017) (both cases note the proposition that "sequence of events leading up to a challenged decision is probative of whether the decision-making body was motivated by discriminatory intent."). Specifically, "Departures from normal procedures can suggest that the decision

was based on unlawful motives, as can "[s]ubstantive departures . . . particularly if the factors usually considered important by the decisionmaker strongly favor a decision contrary to the one reached." *Id*. at 262, citing *Dailey v. City of Lawton*, 425 F.2d 1037, 1040 (10th Cir. 1970). Furthermore, a "government decision influenced by community members' religious bias is unlawful, even if the government decisionmakers display no bias themselves." *Jesus Christ is the Answer Inc.*, 915 F.3d at 262, 264. *See also City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 448 (1985); *Marks v. City of Chesapeake*, 883 F.2d 308, 311-313 (4th Cir. 1989).

Mr. Grand faced similar harassment and hostile treatment by the residents and mayor of University Heights based on his faith principles. It stands to reason that Grand's application had no chance of even a reasonable review due to the degree of hostility leveled against him over his faith. Based on previous interactions with Mayor Brennan and other residents, applying for a special use permit would have been futile. *See Cnty. of Culpeper*, 245 F. Supp. 3d at 769-770 (where the court held that although the County suggested that the Islamic Center of Culpeper could have resubmitted their application, looking at alternative septic systems for their property, such actions would have been too burdensome in the Center's quest to obtain a permit. The denial of a permit to build a mosque under RLUIPA was based on anti-Muslim prejudice, which would not have disappeared with the applicants' resubmission).

Grand's case is also unlike *Bethel World Outreach Ministries v. Montgomery County Council*, 706 F.3d 548 (4th Cir. 2012). In *Bethel*, the Fourth Circuit ruled

that the church community failed to offer evidence that the county discriminated against them due to their religion. In *Bethel*, the church purchased property to provide additional accommodations for its religious and educational programs. Though the church clearly showed a need for new facilities, Montgomery County's zoning regulations prevented the church from building upon the property. *Id.* at 554. The court found that the county had not imposed a substantial burden on Bethel's free exercise of religion. Though there were measures taken to prevent Bethel from going forward with its building plans, the county's measures were not based on religion. *Id.* at 560.

Grand entered the process of obtaining a special use permit, facing the hostility of the residents and the mayor of the City of University Heights because he was Jewish. Religion was the central focus. Grand was not allowed the opportunity to obtain a permit as the community at large presented a roadblock.

ii. Faith communities with significant financial resources will have greater access to exemptions from government authorities.

What kind of society would we have if the government determined which religion or faith deserves an exemption and which ones do not based solely on popularity or wealth? With local zoning boards and planning staff responding more favorably to larger and perhaps wealthier faith groups that make campaign contributions, individuals in these faiths will likely have easier access to religious exemptions, compared to smaller, less wealthy minority faiths. *See* Christopher C. Lund, *Second Best Free*

Exercise, 91 FORDHAM L. REV. 843, 871-872 (2022). This may also mean that prominent religious groups with the "right" connections will have an easier time securing requested local land-use exemptions, variances and permits to allow their ministries to flourish, while less prominent religious groups are not treated equally under the law.

Consider first the *Masterpiece Cakeshop, Ltd. v. Colorado C.R. Comm'n*, 138 S. Ct. 1719 (2018) case, where Jack Phillips, a baker, refused to make a wedding cake for a same-sex couple, as doing so would have violated his sincerely held religious beliefs. Mr. Phillips was sued by the same-sex couple; however, he was able to secure a litigation team that zealously advocated for his religious liberty rights. A religious claimant with resources may have an easier time winning religious exemptions compared to claimants without resources. *See Second Best Free Exercise*, 91 FORDHAM L. REV. at 874.

iii. In local communities, majority religions have greater community acceptance than minority religions.

Religious minorities in local communities, including Orthodox Jews like Grand, Muslims, Hindus, and Buddhists, long for full freedom to practice the principles of their faith; yet they frequently encounter challenges in obtaining the necessary religious exemptions to enjoy that freedom truly.

Smith is just one of several seemingly stationary roadblocks. *Smith*, 494 U.S. at 872. *Smith* involved the termination of two employees from a drug rehabilitation

center for ingesting peyote for sacramental purposes at a ceremony of the Native American Church they attended. After applying for unemployment, their claim was denied due to the "misconduct" of their peyote use. The issue was whether the prohibition of peyote use for religious purposes was constitutional under the First Amendment. The general rule from *Smith* is that exemptions should not be given from laws that are neutral and generally applicable. *Id.* at 879; *See Second Best Free Exercise*, 91 FORDHAM L. REV. 843, 848 (2022).

As government officials can be tone deaf to minority religious adherents in the employment context, local governing boards can be dismissive of unfamiliar religious institutions in land use decisions. Grand was ready to present documentation about his application for a special use permit; however, the mayor of University Heights chose to rely on hateful, antisemitic sentiments towards Grand and the Jewish community rather than to allow Grand's application procedure to progress with an appropriate hearing to review his special use permit request.

What happens if the purpose or intent behind the law is not neutral? For example, the court in *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520 (1993), held that Hialeah's ordinances were not neutral because the city passed the ordinances deliberately to burden Santeria religious practice. For the Hialeah community, the idea of having a Santeria church in their midst was not comforting, because some of their religious practices, including animal sacrifice, were inconsistent with the public morals, peace, and safety. *Id.* at 526-527. Yet the Supreme Court noted that "the Free Exercise

Clause commits government itself to religious tolerance, and upon even slight suspicion that proposals for state intervention stem from animosity to religion or distrust of its practices, all officials must pause to remember their own high duty to the Constitution and to the rights it secures." *Id.* at 547; *see Jesus Christ is the Answer Ministries, Inc.*, 915 F.3d at 256; *Cnty. of Culpeper*, 245 F. Supp. 3d at 758 (both demonstrating faith groups restricted in their ability to practice their beliefs, due in part to a government's ill-intent towards those specific religions).

iv. Governments will control religion.

In the seventeenth century, Roger Williams, one of the founding fathers of Providence, Rhode Island, believed that true liberty of conscience was a scriptural truth. True freedom comes from the God of Heaven. The earthly government has no power over spiritual affairs. *See* Zigarelli, Michael. 2022. "*The Williams Way: Why Roger Williams' Philosophy of Religious Liberty Remains Imperative Today.*" Eleutheria: John W. Rawlings School of Divinity Academic Journal 6, (2), pg. 193.

In his book *Liberty of Conscience – Roger Williams in America*, Edwin S. Gaustad details the legacy and ideology of Roger Williams and the impact he made upon the new colonies as it pertains to religious freedom. Edwin S. Gaustad, *Liberty of Conscience – Roger Williams in America* (1991). Gaustad noted that for Williams, the church and civil authorities were distinct and should remain separate, especially in matters of worship and belief. "The church, which has its own spiritual weapons to use against error, has even been promised that the gates of

hell will not prevail against it. What more does the church need than that? Why call upon a weaker force than the arm of Almighty God?" Williams believed that we had all the "spiritual antidotes and preservatives against spiritual sicknesses" that we needed. Thus, it was unnecessary to call in the state for Christ. *Id*. at 77-78, 80-85.

Williams, like many other Puritans, wanted to flee persecution in Europe, believing that the new world would provide such an opportunity to live according to the dictates of one's conscience. Many reformers in England were targeted by the state-church (which, during this time, was the Church of England) for practicing their faith. Some were fined; others faced imprisonment and worse. *See The Williams Way*, at 190. Yet some of the persecuted became persecutors in the new world. Many of the Puritan leaders remained loyal to the Church of England, and when Williams preached sermons demonstrating that the commandments were matters of "individual conscience, not for the sheriff," Williams was viewed as a threat that needed to be dealt with. *Id*. at 191. Ultimately, Williams was banished from the colony.

Here we are, in the twenty-first century, pleading with the government to intercede in both civil and spiritual affairs. Society is witnessing increasing calls for state and local governments to draft legislation pertaining to faith principles. Roger Williams understood that religious community joining hands with the government equals persecution because (a) he properly grasped biblical principles, along with their history, and (b) he witnessed persecution firsthand in England and the Massachusetts Bay Colony. *Id*. at 191.

Though Williams agreed that Christian liberty was not a liberty to disobey civil authority, he believed that "the civil authority has 'no commission from Christ Jesus' to declare what is a true church or a false one, what a true ministry or a false one" may be. The church alone makes such judgments and "only the church may punish the spiritual offender." *See Liberty of Conscience* at 81.

Daniel Grand came to University Heights, Ohio, expecting a better life for himself and his family. What he received instead was persecution in the form of bigoted comments because his Orthodox Jewish faith was not accepted in the community.

Prayers during the Sabbath hours in his home are part of Grand's lifestyle. Grand wanted to extend the blessing of his home to other Jewish brethren in the community who also sought refuge in prayer. Grand was denied the opportunity to be a blessing because the mayor and residents of University Heights did not want to extend the hand of fellowship to an Orthodox Jew. This country is better than this.

CONCLUSION

In consideration of the foregoing, the petition should be granted.

Respectfully submitted this eighteenth day of March, 2026,

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