

No. 25-965

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**In the Supreme Court of the  
United States**

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DANIEL GRAND,

Petitioner,

v.

CITY OF UNIVERSITY HEIGHTS, OHIO, et al.,

Respondent.

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**On Writ of Certiorari to the  
United States Court of Appeals for the  
Sixth Circuit**

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

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## Scholarly Articles

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## Other Authorities

- 146 Cong. Rec. S7774-01 (daily ed. July 27,  
 2000) (Joint Statement of Senator Hatch  
 and Kennedy on the Religious Land Use and  
 Institutionalized Persons Act of 2000)..... 8

- Armstrong Williams, “*When Civilizations lose God, they eventually lose themselves*”, Fox Baltimore 45 News, May 26, 2026,  
<https://foxbaltimore.com/news/armstrong-army-strong/when-civilizations-lose-god-they-eventually-lose-themselves> ..... 7, 10
- Andrew Osborn, “*Russian Seizes Jehovah Witnesses’ Properties*”, News Nation, July 31, 2026  
<https://www.newsnationnow.com/religion/russia-seizes-jehovahs-witnesses-properties/> ..... 6
- Chip Rotolo and Gregory A. Smith, “*How Americans Feel about Religion’s Influence in Government and Public Life*,” Pew Research Center, May 2026,  
<https://www.pewresearch.org/religion/2026/05/14/how-americans-feel-about-religions-influence-in-government-and-public-life/> ..... 7
- First Liberty Institute’s Center for Religion, Culture, & Democracy, *Religious Liberty in the States – 2026*;  
<https://religiouslibertyinthestates.com/downloads/>, (Last visited on September 2, 2026) ..... 4

- Jack L. Arnold, “Church History: The Church in America 17th Century – The Modern Church Part 8,” Biblical Perspectives Magazine (Third Millennium Ministries) [https://thirdmill.org/magazine/article.asp/link/jac\\_arnold%5ECH.Arnold.CH.35.html/at/The%20Church%20in%20America:%2017th%20Century](https://thirdmill.org/magazine/article.asp/link/jac_arnold%5ECH.Arnold.CH.35.html/at/The%20Church%20in%20America:%2017th%20Century) (Last visited Sept. 6, 2026) ..... 11
- JW.org, “*Moscow Court Orders Seizure of 123 Properties Owned by European Entities of Jehovah’s Witnesses*,” <https://www.jw.org/en/news/region/russia/Russian-Authorities-Seize-123-Properties-Owned-by-Jehovahs-Witnesses/> (last visited September 4, 2026) ..... 6
- Leslie C. Griffin, *Fighting the new wars of religion: the need for a tolerant First Amendment*, 62 Me. L. Rev. 23 (2010)..... 16
- Michael W. McConnell, *Establishment and Disestablishment at the Founding, Part I: Establishment of Religion*, 44 Wm. & Mary L. Rev. 2105 (2003) ..... 15, 16

- Megan Brennan, *“Americans’ Rating of Moral Values Hits a New Low,”* Gallup, Inc., May 28, 2026,  
<https://news.gallup.com/poll/710648/americans-rating-moral-values-hits-new-low.aspx>. ..... 10
- Pew Research Center, *“How Much Discrimination Do Americans Say Groups Face In The U.S.?”* Report, May 20, 2025,  
<https://www.pewresearch.org/politics/2025/05/20/how-much-discrimination-do-americans-say-groups-face-in-the-u-s/> ..... 4-5, 13
- Religious Freedom Institute, “What in the World is Religious Freedom?”  
<https://religiousfreedominstitute.org/?s=%22What+in+the+world+is+religious+freedom%22> (Last visited September 6, 2026) ..... 2
- Samirah Majumdar and Vivian Jacobs, *“More Countries Had Elevated Levels of Social Hostilities Involving Religion in 2023,”* Pew Research Center, June 2026, doi: 10.58094/CV0D-0488  
<https://www.pewresearch.org/religion/2026/06/15/more-countries-had-elevated-levels-of-social-hostilities-involving-religion-in-2023/> ..... 6

- U.S. Dep’t of Justice, Religious Liberty  
Commission, *Draft Report - the Presidential  
Religious Liberty Commission*, (2026),  
chrome-  
extension://efaidnbmnnnibpcajpcgclefindmk  
aj/https://www.justice.gov/religious-liberty-  
commission/media/1449896/dl?inline .....11-12
- U.S. Dep’t of State, Office of International  
Religious Freedom, “2023 Report on  
International Religious Freedom: China  
(Includes Hong Kong, Macau, Tibet, and  
Xianjiang)” (2023)  
[https://www.state.gov/reports/2023-report-  
on-international-religious-freedom/china/](https://www.state.gov/reports/2023-report-on-international-religious-freedom/china/) .....7
- U.S. Dep’t of State, Office of International  
Religious Freedom, “Cuba” (2023)  
[https://www.state.gov/reports/2023-report-  
on-international-religious-freedom/cuba/](https://www.state.gov/reports/2023-report-on-international-religious-freedom/cuba/) .....7
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- The Voice of the Martyrs,  
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*Global Prayer Guide – Cuba*,  
[https://www.persecution.com/globalprayerguide/cuba/?source\\_code=WP26GPG2](https://www.persecution.com/globalprayerguide/cuba/?source_code=WP26GPG2) (Last  
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[https://www.persecution.com/globalprayerguide/iran/?source\\_code=WP26GPG2](https://www.persecution.com/globalprayerguide/iran/?source_code=WP26GPG2) (Last  
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## STATEMENTS OF INTEREST<sup>1</sup>

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 and individuals of varying faiths in religious liberty matters. Throughout the last decade alone, PJI addressed matters impacting Christians, Jews, Muslims, Taoists, Christian Scientists, Jehovah's Witness, and Buddhists, to name a few. Each one of these religious groups desire the freedom to live and worship according to the dictates of their conscience.

PJI has an institutional interest in safeguarding the First Amendment rights of all religious groups, and thus desires that the Court address the tensions between the First Amendment protections and the zoning process. Indeed, PJI understands that persecution upon one faith can easily lead to persecution of others.

## SUMMARY OF ARGUMENT

Liberty of Conscience is part of the human condition. In 1689, John Locke believed that liberty of conscience was every man's natural right. See Jonathan Barth, *Liberty of Conscience is Every Man's Natural Right: Historical Background on the First Amendment*, 35 J. Pol'y Hist. 436,438 (2023).

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<sup>1</sup>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.

According to the Religious Freedom Institute, “Religious freedom is therefore the right of all persons to believe, speak, and act – individually and in community with others, in private and in public – in accord with their understanding of ultimate truth.” See Religious Freedom Institute, “What in the World is Religious Freedom?” <https://religiousfreedominstitute.org/?s=%22What+in+the+world+is+religious+freedom%22> (Last visited September 6, 2026).

When one speaks of religious liberty, each person desires the ability to practice the beliefs that are part of their inner being. It entails the freedom to believe or not believe in a particular faith or creed. If state actors do not adequately protect the free exercise rights of all faith communities, the country will witness more religious persecution.

No human really wants to be told how to practice their faith. No one wants to feel that their house sanctuary is threatened because their faith practices are not accepted in the local community. Yet, this is what one sees not just in America but around the world in the Jewish, Muslim, and Christian communities. Some faith communities must act with caution when having their bibles viewed around local government authorities.

The United States of America is considered a land of freedom because this country believes in liberty of conscience. Daniel Grand was practicing his sincerely held religious belief in having prayer sessions in his home with other Jewish brethren on Friday evenings. Mr. Grand should not have to live the rest of his days wondering whether he can comfortably pray in his

home or need to look over his shoulders for potential agitators seeking to restrict his free exercise rights.

## **ARGUMENT**

### **I. AS MORE RELIGIOUS LIBERTY PROTECTIONS ARE WITHDRAWN, FAITH COMMUNITIES WILL SUFFER.**

- a. Recent reports on the state of religious liberty in America indicate progression in some states and regression in others.**

Religious liberty is a lifestyle. Where one chooses to work or reside; who one chooses to marry or simply befriend; what one chooses to wear, eat or read; how a person chooses to live their life – all are really folded into a person's faith walk or spirituality. For many, that also includes worship. One faith community may choose to worship outside in nature, exploring the mountainside. Another faith community may choose to worship in a religious building which may be a church, temple or mosque. Indeed, for many others, when a nature walk is not feasible or a religious building is unattainable, sometimes, the last option available is a family home. Praying at home was Daniel Grand's last option, and he wanted to utilize his home for his fellow Jewish brethren in the community.

In a country like the United States of America, founded on principles of freedom that make up the core of who we are as a country, one would assume that we have all of the religious protections available. Yet, various reports on the status of religious liberty in America demonstrate that our country has not fully

realized the aspirations enumerated in the First Amendment's religion clauses. Take, for example, a recent 2026 Religious Liberty in the States report, produced by First Liberty's Center for Religion, Culture, & Democracy. Within this report, various laws from each state have been reviewed to assess where the state ranked in terms of religious liberty protections. What one notices is that over the years, some states have improved their religious liberty protections for their citizens. For example, the state of Ohio was ranked seventh for the various laws the state has in place for protecting the religious liberty rights of its citizens. But other states like New York have regressed, currently ranked fiftieth due to the level of restrictions and lack of accommodations for people of faith. See First Liberty Institute's Center for Religion, Culture, & Democracy, *Religious Liberty in the States* – 2026; <https://religiouslibertyinthestates.com/downloads/> (Last visited on September 2, 2026)

In 2025, a Pew Research report showed that many Americans believe that there is still a significant level of discrimination faced by the Jewish and Muslim communities here on American soil. Of those surveyed, a 57% majority of adults state that people who are religious are “subject to a lot or some discrimination.” When asked about specific religious groups, most believed that Jews and Muslims faced more discrimination compared to evangelicals. See Pew Research, *“How Much Discrimination Do Americans Say Groups Face in the U.S.?”* Report - May 20, 2025, <https://www.pewresearch.org/politics/2025/05/20/how>

[-much-discrimination-do-americans-say-groups-face-in-the-u-s/](#).

The travesty for Daniel Grand is that because of the level of discrimination present in his town, it is likely that he and other Jewish brethren have to look over their shoulders before engaging in the free exercise of their sincerely held religious beliefs. Some people may say that this is merely politics. Others may say that this is outright antisemitic attitudes. Either way, what is happening to Mr. Grand is wrong. The issues are ripe and this Court should have this case remanded for further proceedings.

- b. Multiple faith groups have been persecuted overseas, some after being labeled “extremist” in their religious views; and this could happen in America when the government or even one faith community is not accepting of another faith community.**

Although comparison to other countries has its analytical drawbacks, it is self-evident that many faith groups are not as privileged to have the religious freedom protections that the United States currently affords. Some countries have drawn up designated lists for faiths that are deemed to be “extremist” in their religious views. For example, in 2017, Jehovah’s Witnesses were declared to be an extremist group in Russia. Because the government permitted such designations, this particular faith community had their houses of worship permanently closed. More recently, on July 31, 2026, the Kuzminskiy District Court of Moscow ordered those multiple properties

belonging to the Jehovah's Witnesses be confiscated and transferred over to the government of the Russian Federation. See JW.org, *"Moscow Court Orders Seizure of 123 Properties Owned by European Entities of Jehovah's Witnesses"* <https://www.jw.org/en/news/region/russia/Russian-Authorities-Seize-123-Properties-Owned-by-Jehovahs-Witnesses/> (last visited September 4, 2026) and Andrew Osborn, *"Russian Seizes Jehovah Witnesses' Properties"*, News Nation, July 31, 2026 <https://www.newsnationnow.com/religion/russia-seizes-jehovahs-witnesses-properties/>.

According to another Pew Research report from June 2026, in 2023 Spain and Norway also witnessed increased attacks against Jehovah's Witnesses, Muslims, and Jews varying from in-person verbal harassment to hate speech on social media platforms. See Samirah Majumdar and Vivian Jacobs, *"More Countries Had Elevated Levels of Social Hostilities Involving Religion in 2023"*, Pew Research Center, June 2026, doi: 10.58094/CV0D-0488 <https://www.pewresearch.org/religion/2026/06/15/more-countries-had-elevated-levels-of-social-hostilities-involving-religion-in-2023/>.

Mr. Grand himself experienced similar hostilities towards his faith, simply by wanting to have a prayer session in his home on Friday evenings.

Further, for Christians in countries like China, Cuba, Eritrea, and Brunei the main persecutor is the government. See The Voice of the Martyrs, *Global*

*Prayer Guide – China*, [https://www.persecution.com/globalprayerguide/china/?source\\_code=WP26GPG2](https://www.persecution.com/globalprayerguide/china/?source_code=WP26GPG2) (Last visited September 4, 2026) ; and U.S. Dep’t of State, Office of International Religious Freedom, “2023 Report on International Religious Freedom: China (Includes Hong Kong, Macau, Tibet, and Xianjiang” pg. 9-20 (2023) <https://www.state.gov/reports/2023-report-on-international-religious-freedom/china/>; The Voice of the Martyrs, *Global Prayer Guide – Cuba*, [https://www.persecution.com/globalprayerguide/cuba/?source\\_code=WP26GPG2](https://www.persecution.com/globalprayerguide/cuba/?source_code=WP26GPG2) (Last visited September 4, 2026) and U.S. Dep’t of State, Office of International Religious Freedom, “Cuba” pg. 4-7 (2023) <https://www.state.gov/reports/2023-report-on-international-religious-freedom/cuba/>; The Voice of the Martyrs, *Global Prayer Guide – Eritrea*, [https://www.persecution.com/globalprayerguide/eritrea/?source\\_code=WP26GPG2](https://www.persecution.com/globalprayerguide/eritrea/?source_code=WP26GPG2) (Last visited September 4, 2026); The Voice of the Martyrs, *Global Prayer Guide – Brunei*, [https://www.persecution.com/globalprayerguide/brunei/?source\\_code=WP26GPG2](https://www.persecution.com/globalprayerguide/brunei/?source_code=WP26GPG2) (Last visited September 4, 2026). Even in Iran, Christians are persecuted by government authorities with networks of informants in each city. See The Voice of the Martyrs, *Global Prayer Guide – Iran*, [https://www.persecution.com/globalprayerguide/iran/?source\\_code=WP26GPG2](https://www.persecution.com/globalprayerguide/iran/?source_code=WP26GPG2) (Last visited September 4,

2026). In many instances, even the bibles purchased for distribution are being tracked and monitored.

The loss of religious liberty for minority faiths does not typically begin with persecution; it starts with subtle discrimination. In the deliberations over the Religious Land Use and Institutionalized Persons Act, the senator who introduced the bill was a Republican and a Mormon. He partnered with a ranking senate Democrat –who was a Roman Catholic – to issue a statement regarding the need for federal protections. They wrote, “Churches and synagogues cannot function without a physical space adequate to their needs and consistent with their theological requirements.” 146 Cong. Rec. S7774-01 (daily ed. July 27, 2000) (Joint Statement of Senator Hatch and Kennedy on the Religious Land Use and Institutionalized Persons Act of 2000). Although the Joint Statement was published a quarter century ago, they could have been speaking about someone like Mr. Grand. Moreover, in enacting RLUIPA, its chief proponents stated that they were seeking to counter subtle discrimination that “lurks behind such vague and universally applicable reasons as traffic, aesthetics, or ‘not consistent with the city’s land use plan.’” *Id.* Here, officials from the City of University Heights stand in the shoes of the generation before them in using seemingly neutral rules as a tactic to keep out an unwanted religious group. RLUIPA was enacted to prevent such discrimination which if left

unchecked can metastasize into state-sponsored persecution.

In Mr. Grand's case, the City of University Heights had local residents that engaged in surveillance of Mr. Grand and his property. This was followed by a series of complaint letters to the mayor about Mr. Grand's supposed activities on his own property. *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). Shortly thereafter, Mr. Grand was admonished by the municipality to end his weekly prayer sessions.

Should individuals in Daniel Grand's position and other faith groups now be concerned about their free exercise rights because the local government and a majority of residents object to having a minority faith group in their community? Your amicus proffers that state actors should be more vigilant in protecting free exercise rights of religious adherents in the face of community hostility – not less. This remains true of minority faiths so long as their exercise does not interfere with peace, safety and morals. Thus, enjoyment of religious liberty cannot be put up for a community vote or consensus at a city council or planning commission meeting.

Caving into the hostile shouts of local citizens or the religious bigotry of state actors will send communities down the same dark path commonly witnessed in countries with authoritarian regimes.

## II. BUILDING A BRIDGE BETWEEN CHURCH AND STATE COULD NEGATIVELY IMPACT DANIEL GRAND'S FREE EXERCISE RIGHTS.

Within the past few years, there has been much commentary on church and state relations. One common theme that has been proclaimed throughout the United States, and even other parts of the world, is that the world is morally in flux because God is not in government. Many Americans believe that government policies impact moral values. See Armstrong Williams, *"When Civilizations lose God, they eventually lose themselves"*, Fox Baltimore 45 News, May 26, 2026, <https://foxbaltimore.com/news/armstrong-army-strong/when-civilizations-lose-god-they-eventually-lose-themselves>; and <https://news.gallup.com/poll/710648/americans-rating-moral-values-hits-new-low.aspx>; Megan Brenan, *"Americans' Rating of Moral Values Hits a New Low,"* Gallup, Inc., May 28, 2026, <https://news.gallup.com/poll/710648/americans-rating-moral-values-hits-new-low.aspx>; and Chip Rotolo and Gregory A. Smith, *"How Americans Feel about Religion's Influence in Government and Public Life,"* Pew Research Center, May 2026, <https://www.pewresearch.org/religion/2026/05/14/how-americans-feel-about-religions-influence-in-government-and-public-life/>.

Other thoughts include the idea that there are not enough individuals attending regular weekly church

services; and there are not enough God-fearing men and women in government. Therefore, let us have church and state come together to bring the United States to higher ground morally. Similar sentiments were expressed in the 17th century, with the belief that if God was in government, the country would fare better. See Jack L. Arnold, “Church History: The Church in America 17th Century – The Modern Church Part 8,” Biblical Perspectives Magazine (Third Millennium Ministries) [https://thirdmill.org/magazine/article.asp/link/jac\\_arnold%5ECH.Arnold.CH.35.html/at/The%20Church%20in%20America:%2017th%20Century](https://thirdmill.org/magazine/article.asp/link/jac_arnold%5ECH.Arnold.CH.35.html/at/The%20Church%20in%20America:%2017th%20Century) (Last visited Sept. 6, 2026).

In June 2026, The Presidential Religious Liberty Commission presented a draft report on the state of religious liberty in the United States. After a series of hearings involving testimony from various individuals, including politicians and faith-based leaders, several recommendations were made on the importance of safe-guarding religious freedom. Those recommendations covered categories including, but not limited to, Faith-based Institutions, Education, Parental Rights in Education, Healthcare, and Antisemitism. See U.S. Dep’t of Justice, Religious Liberty Commission, *Draft Report - the Presidential Religious Liberty Commission*, pg. 13-23 (2026), chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https:

[//www.justice.gov/religious-liberty-commission/media/1449896/dl?inline](https://www.justice.gov/religious-liberty-commission/media/1449896/dl?inline).

Although the draft report acknowledged that “Religious Liberty is for Everyone,” (*Id.* at 29), the report goes further by indicating a desire to build a bridge between God and Government, which refers to church and state. *Id.* at 36-44. Building even a bridge between church and state could negatively impact Daniel Grand’s free exercise rights, because in the process of building, municipalities will inevitably appease some faith groups at the expense of others. *See Jesus Christ is the Answer Ministries, Inc. v. Baltimore County*, 915 F.3d 256, 262-264 (4th Cir. 2019). Minority faiths will suffer.

One of the reasons why this court’s decision in Mr. Grand’s case is important is because the City of University Heights believed that they could dictate how Mr. Grand could use his own home for prayer sessions. Based upon some of the court filings in the case, the municipality appeared to have heavily relied upon local resident informants on what they believed to be Mr. Grand’s home activities prior to issuing their cease-and-desist letter to Mr. Grand. *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). In addition, there were allegations that the neighborhood would be too loud on Fridays because of all of the individuals driving to Mr. Grand’s home. Yet, this is false because during the Sabbath hours,

the Jewish brethren walk to their destination. Many of those same informants expressed in writing that they did not want Jews in their community.

Building a bridge between church and state is only a formality to forming a complete union. If a municipality can start determining which faiths can and cannot worship in their town, church and state has formed a union. Minority faiths will feel the impact the most, because they will be considered outside of what is deemed normal, comfortable, and acceptable in their community at large. Furthermore, the country could witness more examples of blatant discrimination similar to what has been endured by Mr. Grand. See Pew Research, “*How Much Discrimination Do Americans Say Groups Face in the U.S.?*” Report - May 20, 2025, <https://www.pewresearch.org/politics/2025/05/20/how-much-discrimination-do-americans-say-groups-face-in-the-u-s/>.

### **III. HISTORICAL NARRATIVES DEMONSTRATE THAT GOVERNMENT INTERFERENCE WITH FAITH WILL LEAD TO PERSECUTION.**

What constitutes “persecution” may vary depending on whom one asks. Recently, the Ninth Circuit Court was asked to address an immigration matter for a woman where the meaning of religious persecution was at issue. In *Silva v. Bondi*, 139 F.4th 1137, 1143 (9th Cir. 2025), the court noted that persecution can be emotional, psychological, and physical. See *Mashiri v. Ashcroft*, 383 F.3d 1112, 1120 (9th Cir. 2004). The court recognized that the

“Universal Declaration of Human Rights and the Human Rights Covenant proclaim the right to freedom of thought, conscience, and religion, which right includes the freedom of a person to manifest [her religion] in public or private, in teaching, practice, worship and observance.” *See Zhang v. Ashcroft*, 388 F.3d 713, 720 (9th Cir. 2004), as cited in *Silva*, 139 F.4th at 1143.

Persecution at the hands of the government dates back to biblical times. In the Holy Bible, the book of Daniel (believed by many scholars to have been written in the 6th century, B.C.)<sup>2</sup> details the story of three Hebrew men: Hananiah, Mishael, and Azariah (better known by their Babylonian names as Shadrach, Meshach, and Abednego)<sup>3</sup> who refused to bow down to a golden image set up by King Nebuchadnezzar. Their refusal in bowing to the image lead to persecution in a fiery furnace. See Daniel 3:12, 20-21 (King James).

Daniel, himself, was subject to persecution for continuing his prayers to the God of Heaven, despite a royal statute established by governors, princes, counsellors and captains who came together to primarily persecute Daniel for his faith. See Daniel 6:4-16 (King James). Daniel regularly opened his

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<sup>2</sup> See The New King James Version Study Bible Full-Color Edition, pg. 1346-1347 (Thomas Nelson, 2d ed. 2014)

<sup>3</sup> See Daniel 1:7 (King James)

windows and prayed to the God of Heaven in private; yet he was persecuted publicly.

The chief priests and elders took counsel to put Jesus Christ to death. Jesus stood trial before Pontius Pilate and had a hearing before Herod Antipas all because Jesus chose to proclaim the good news of salvation. See Matthew 26:57-75; Matthew 27:1-30; and Luke 23:1-25 (King James). These biblical examples demonstrate what happens when religion (church) and the government (state) come together to unduly interfere with the free exercise of faith.

One would truly believe that over time, and after reviewing and (for some) living through history, the sympathy and empathy of mankind would have evolved; that the spirit of love and benevolence would have permeated the heart and soul. Not so. The historical record and current events instead provide a dark record of intolerance.

During the colonial period there was religious freedom – for those who belonged to the majority church. Seventeenth century Puritan communities whipped Baptist preachers and hung Quakers. Michael W. McConnell, *Establishment and Disestablishment at the Founding, Part I: Establishment of Religion*, 44 Wm. & Mary L. Rev. 2105, 2162 (2003). Virginia barred Catholic priests and two dissenting ministers (i.e., non-Anglican) were sentenced to thirty-one lashes for baptizing children without a license. *Id.* at 2164. Virginia authorities

also jailed Baptist preachers for preaching without a license. Both South Carolina and Georgia prohibited Catholic Churches. *Id.* at 2166. Georgia, New Jersey, New Hampshire, and South Carolina limited the holding of political office to Protestants. *Id.* at 2179. North Carolina excluded those who “denied...the truth of the Protestant religion.” The more liberal Delaware simply required a belief in the Trinity. *Id.* at 2178. These examples are not outliers and certainly not an exhaustive list of religious intolerance.

In contrast to what was the historical norm, the First Amendment reflects the American experiment of religious tolerance as an attempted exception. When followed through, this experiment works remarkably well. The Founders were very cognizant of the carnage brought by the 16<sup>th</sup> and 17<sup>th</sup> century European Wars of Religion which sought coercive spiritual unity. Hence, not only the religion clauses of the First Amendment, but also Article VI (“no Religious Test shall ever be required as a qualification to any office or public trust under the United States”) pivot from the impulse to compel religious uniformity by violence or force of law. See Leslie C. Griffin, *Fighting the new wars of religion: the need for a tolerant First Amendment*, 62 Me. L. Rev. 23, 28-32 (2010).

Fast forward to modern America where individuals of differing faiths can freely maintain

their sincerely held religious beliefs in the way they learn, work, live, and worship. But the record here shows something quite different. Instead of allowing Mr. Grand to live his life and be a blessing to his fellow Jewish brethren, providing a refuge for Friday evening prayer, municipal authorities – with the aid of disgruntled local residents – chose to suppress Mr. Grand's free exercise rights.

The Religious Land Use and Institutionalized Persons Act was crafted to make a course adjustment back to the aspirations enumerated in the religion clauses such that the bigotry of a government official or the howls of the crowd – exercising the mob rule that the drafters of the Constitution feared – would be constrained.

## CONCLUSION

In consideration of the foregoing, the judgment of the court of appeals should be reversed.

Respectfully submitted this eighth day of  
September, 2026,

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