

Agudath Israel Asks High Court to Review Major Religious Liberty Case

February 11, 2016



In an important new case, Agudath Israel of America has submitted an amicus curiae (friend of the court) brief to the U.S. Supreme Court, asking the High Court to review and reverse a ruling by a U.S. Court of Appeals severely restricting religious liberty freedoms.

The case, *Stormans v. Wiesman*, involves the State of Washington's insistence that a pharmacy sell drugs designed to destroy fetal life, despite the pharmacy owners' sincere beliefs that selling such drugs would violate their religion. The evidence in the case showed that Washington permitted other pharmacies not to carry such drugs for a variety of non-religious reasons. However, if the pharmacy's refusal to stock such drugs was religiously motivated, state officials would penalize the pharmacy for its refusal. The Ninth Circuit Court of Appeals ruled that Washington was within its rights to override the pharmacy owners religious practice.

In its amicus curiae brief, submitted by the renowned D.C.-based law firm Wilmer Hale, Agudath Israel has now asked the Supreme Court to accept the *Stormans* case for review, and to rule that the State of Washington violated the pharmacy owners' religious rights.

An important part of the Agudath Israel brief cited several recent cases where Orthodox Jewish rituals and activities were targeted for selective

enforcement: the Borough of Tenafly, NJ's prohibition against the use of utility poles for the placement of "lechis" necessary to construct an eruv, when all other placements on utility poles were allowed to stay; the enforcement of zoning ordinances against a synagogue in Los Angeles' Hancock Park, when non-Jewish institutions were not subject to such enforcement; and the application of a Chicago homeowners association rule against objects on the outside of doors to prohibit the placement of mezuzahs, when other ornaments and signs were never targeted.

"The Orthodox Jewish community knows all too well what it means to be targeted for selective enforcement of laws that might appear neutral on their face," said Rabbi Chaim Dovid Zwiebel, Agudath Israel's executive vice president. "That is why we have such a great stake in the Stormans case, and why we have asked the Supreme Court to make clear that selective enforcement designed to inhibit religiously motivated practice is unconstitutional."