

Press Advisory

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Subject: Legal Scholars File Amicus Brief In Case Where Christian Pastor Claims US Government Subjected Her To Surveillance And Harassment Because Of Her Ministry To Migrants

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Today, nationally recognized law professors with expertise in religious liberty law filed an *amicus* brief in a case in which Pastor Kaji Douša, Senior Pastor at Park Avenue Christian Church in New York City, claims that the U.S. government has targeted her for surveillance, harassment, and other negative treatment because of her ministry to migrants. Pastor Douša's case presents a particularly egregious case of the federal government substantially burdening the religious liberty rights of faith-based humanitarian actors who provide aid to migrants. Pastor Douša claims that the U.S. government is violating her rights protected by the Free Exercise Clause of the First Amendment to the U.S. Constitution and the Religious Freedom Restoration Act (RFRA).

[Columbia Law Professor Katherine Franke](#) is the author of the brief, and the Faculty Director of the [Law, Rights, and Religion Project](#) at Columbia Law School. Signatories to the brief were Katherine Franke, Sulzbacher Professor of Law at Columbia Law School; Caroline Mala Corbin, Professor of Law at the University of Miami School of Law; Micah Schwartzman, Joseph W. Dorn Research Professor of Law at the University of Virginia School of Law; and Nelson Tebbe, Professor of Law at Cornell Law School. "We submitted this brief to the court because we have a strong interest that all religious liberty rights receive protection from government infringement no matter the political context," said Professor Franke. "Since the Justice Department has demonstrated a strong bias in favor of the religious liberty rights of some conservative faith traditions, as experts in the law of religious liberty we want to provide the court with an unbiased, neutral framework with which to approach all claims in which a party seeks to exercise religious liberty."

The brief, submitted in favor of neither party in the case – an unusual approach to *amicus* practice, points out that Pastor Douša is not urging an exemption from the enforcement of the law, as has been the trend in recent religious liberty cases. Rather, she claims that the U.S. government has subjected her to surveillance, harassment, and other adverse treatment - including placement on a secret government watch list - on account of her ministry with migrants. The brief notes, "if the Court were to find the plaintiff's allegations founded, the case presents a rather obvious instance of religious persecution, precisely what the Free Exercise Clause of the First Amendment and RFRA were designed to protect against."

The brief continues, "As former Attorney General Jeff Sessions stated unequivocally in guidance issued to all executive departments and agencies interpreting religious liberty protections in federal law, "To avoid the very sort of religious persecution and intolerance that led to the founding of the United States, the Free Exercise Clause of the Constitution protects against government actions that target religious conduct.'"

The law professor's amicus brief is available on the Law, Rights, and Religion Project's policy page at <https://bit.ly/2IG8Pna>. Further details about Pastor Douša's lawsuit claiming religious persecution can be found in "*I Prayed With Migrants. Now The Government Is Tracking Me*," <https://www.buzzfeednews.com/article/kajidousa/opinion-i-prayed-with-migrants-now-the-government-is>.

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The [Law, Rights and Religion Project](#) is a law and policy think tank based at Columbia Law School that promotes social justice, freedom of religion, and religious plurality. The Project develops strategic thought leadership on the complex ways in which religious liberty rights interact with other fundamental rights.