

CONTRA COSTA COUNTY LIBRARY COMMISSION
AGENDA ATTACHMENT 4

MEETING DATE: Thursday, January 22, 2009

AGENDA ITEM #: 10

ITEM: REPORT FROM COUNTY LIBRARIAN

RECOMMENDED ACTION:

- None

CONTRA COSTA TIMES

ContraCostaTimes.com

Federal judge to hear arguments that Antioch library discriminated against religious group

By Matthias Gafni
Contra Costa Times

Posted: 01/08/2009 08:25:30 PM PST

Updated: 01/09/2009 06:01:40 AM PST

Whether an Antioch public library infringed on a religious group's constitutional rights by banning prayer within the government building will again be debated in federal court today.

In its latest permutation, the lawsuit filed by a Christian legal alliance contends Contra Costa County discriminated against a Faith Center Church Evangelistic Ministries pastor who was not allowed to hold religious meetings in the East County branch in 2004. The lawsuit now seeks a permanent injunction to force Contra Costa to permit religious services in its libraries. The previous case, which the U.S. Supreme Court refused to hear in 2007, involved a temporary injunction forbidding the county from banning the group.

"The bottom line with this case is Christians shouldn't be discriminated against because of their beliefs," said Timothy Chandler, a Folsom-based attorney with Alliance Defense Fund. "This meeting room is open for any purpose other than religious purposes."

Contra Costa attorneys have argued that public space should not be used for worship. The county counsel could not be reached for comment

Thursday.

A separation of church and state argument is not applicable in this case, Chandler said.

"The Supreme Court has said for more than 25 years that you must provide religious groups equal rights," he said.

In May 2004, Hattie Hopkins held a two-day "Women of Excellence Conference" in an Antioch library meeting room, involving a sermon, lessons on how to pray and other religious discussions. As the first day concluded, a library assistant overheard the meeting and told the Faith Center pastor that she could not return to the library to continue religious activities. She cited a county policy that states "library meeting rooms shall not be used for religious purposes," according to the lawsuit.

In 2005, Alliance Defense Fund attorneys representing Hopkins persuaded a U.S. District Court judge to issue a temporary injunction preventing the county from banning the religious group. Contra Costa appealed to the 9th U.S. Circuit Court of Appeals, sparking the interest of the U.S. Department of Justice. The Bush administration, although not a party in the case, submitted a friend-of-the-court brief supporting the church.

The panel of justices ruled in favor of the county, saying religious groups can hold meetings as long as they do not pray or hold Bible studies.

To view the entire lawsuit Faith Center Church Evangelistic Ministries v. Federal Glover et al, visit www.contracostatimes.com

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