

Recalling RLUIPA

The second article on the Religious Land Use and Institutionalized Persons Act of 2000 examines Mauck & Baker founder John Mauck's work in passing the law. See our April newsletter for the first part of the article.

A call to prayer

After a series of hearings and the vote in the House during the summer of 1999, the Religious Liberty Protection Act stalled in the Senate after receiving opposition from both gay rights groups and municipalities with the support of Senator Daniel Moynihan of New York.

In early 2000, the chairman of C.L.U.B., Civil Liberties for Urban Believers, Theodore Wilkinson organized prayer meetings in three inner-city churches to intercede for the bill to move out of the Senate. So in April, May and June, on the third Wednesday of each month, Christians in Chicago came together and prayed.

“Those meetings were amazing because there were no other lawyers in attendance, basically blue-collar, not highly educated people who didn't know the law,” recalls Mauck, “but they prayed with fervency to God to pass the federal law protecting the religious freedom of churches.”

Miraculous use of land

While the bill stalled in the Senate during 1999 and early 2000 Mauck's participation in the bill ceased. But after reading an editorial in *The New York Times* in the summer opposing the “Religious Land Use Act” he called up some fellow Christian Legal Society members who had been lobbying for

the bill to find out the status of the legislation he knew as the Religious Liberty Protection Act.

The attorneys he spoke to were ecstatic, telling Mauck a miracle had happened—the bill providing religious groups the right to land use had finally passed.

The Religious Liberty Protection Act had been renamed the Religious Land Use and Institutionalized Persons Act to reduce the scope to include only religious land use and prisoner rights. Prominent members of Senate from both political parties began to lobby for RLUIPA—both eliminating opposition and gaining support for the bill. Edward Kennedy, one of the most liberal members of the Senate and Orrin Hatch, one of the most conservative members of the Senate were the two major sponsors of the bill making it a bipartisan effort. Senator Moynihan and the municipalities stopped their opposition to allow the bill to proceed around the same time.

Christian Legal Society attorneys lobbying for the bill explained that their Senate sponsor presented the motion to the Senate in July believing it would go to joint committee for further hearings and more delays, but it immediately received unanimous approval.

Then the approved bill was taken to the House joint committee the same day by a runner—just before the government was scheduled to recess for the summer. It received unanimous approval by voice-vote and within a day RLUIPA became federal law.



Mauck & Baker's bedrock

If religious freedom is a bedrock principle in our nation then the Religious Land Use and Institutionalized Persons Act of 2000 has become Mauck & Baker's own bedrock. Mauck & Baker's origin aligns directly with RLUIPA's passing in 2000—maybe not intentionally but Mauck & Baker's attorneys find spiritual significance in the timing of the two events.

“One of God's highest priorities is that human beings hear the Gospel so they can choose whether to follow Jesus or not, and RLUIPA strongly helps believers forward God's will in that area,” explains attorney Mauck.

The concept of religious freedom is made practical through RLUIPA, and for Mauck & Baker's clients that concept is made reality. For churches and religious organizations RLUIPA represents their ability to flourish, establish themselves and live in harmony with their community both in the Chicago area and across the nation.