

# Second Screwtape Letter Uncovered

by attorney Noel W. Sterett

*My Dear Wormwood,*

*I heard the unfortunate news that twenty or so of the Enemy's followers are trying to meet in your patient's district and even retained experienced land use attorneys after he had them cited for operating "a church" without zoning approval. Good work by the way. Thankfully, zoning codes are almost always one-size fits all when it comes to our Enemy's assemblies—be it twelve meeting for "prayer" or five thousand gathering at one of those complexes. The fact that we can put even the smallest groups through the zoning ringer makes our Boss quite happy.*

*Nevertheless, attorneys are now involved, so please listen carefully as time is of the essence. If you have been doing your work, your patient has come to cherish the municipal budget as his own and to see the land in the city as his. So it should be easy to convince him, and in turn convince the others on the zoning board, that he (but have him say "the city") can't afford to allow another property to come off of the tax rolls. Plus, this small group is not your patient's kind of people, comprendo? Even worse, they're enthusiastic Pentecostals! If your patient does not know what I mean, give him nightmares like we have—of huge prayer towers, exorcisms, tent "revivals," and all-night prayer meetings. Creepy. Who would want that in their backyard?*

*Once your patient is thoroughly and justifiably uncomfortable with allowing them in, make sure he asks the municipal attorney to check the zoning code. About fifteen years ago, we suffered a huge setback when an unanimous Congress passed a federal law which said that churches must be treated the same as other, less threatening assembly users like fraternal lodges, community centers, etc. Since then a horrific number of churches and tens of thousands of our Enemy's followers have used the law to secure their right to assemble. And while we've done what we could to neutralize the law in the courts, many cities still haven't gotten the memo to update their codes. As a result, some cities have not only been forced to suffer the emergence of new churches but have also had to pay millions of dollars in damages and even the fees of the foolish, few attorneys willing to take these "charity" cases.*

*If the attorneys are smart, they will move right away for a court order protecting their patient's rights to equal treatment and not allow the city to employ one of our other favorite tactics: "reductive equalization." What is that, you say? It is a great way to take advantage of "well-meaning" churches that forewarn the city of the weaknesses of its zoning code. Once the church politely points out what assembly uses it should be treated on an equal basis with, have the code amended to exclude all those uses as well. Now all the assembly uses are treated equally—equally excluded that is (except for the existing ones that are grandfathered in)! No more problem. No new church.*

*But if the lawyers move fast enough and secure the zoning, please don't give up. For if the small group wins the right to be treated and permitted as a "church," your patient should remind them of what they also won—a bunch of building code requirements. Yes, we've even seen courts uphold onerous building code requirements (sprinklers, handicap bathrooms, fire doors, etc.) for religious groups as small as five people meeting to meditate. So I don't care if the twenty people don't need sprinklers, or can't afford them, or that none of the old churches in the community have them, or even that sprinklers are meant to save property not people; your patient (have him say the community) can't afford to have children burnt alive. In the end, dear Wormwood, think of the children.*

*Your Affectionate Uncle,*

*Screwtape*

<sup>1</sup>[Alden, Reconsidering RLUIPA: Do Religious Land Use Protections Really Benefit Religious Land Users?, 57 U.C.L.A. Law Review 1779 (2010)]