



Therese Marso  
*President*  
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Charles E. Samuelson  
*Executive Director*

Teresa J. Nelson  
*Legal Counsel*

Dr. Joe Opatz  
President, Normandale Community College  
C 2108  
9700 France Avenue South  
Bloomington, MN 55431

Dear Dr. Opatz,

The ACLU-MN has been receiving complaints from our members regarding a recent Star Tribune news article describing a meditation room that was created at Normandale Community College. According to the article by Katherine Kersten, the school created the meditation room and has allowed the room to be used exclusively by Muslim students, the school used government funds to build a room divider to segregate men and women, and that the room contains literature and signs exclusively about Islam. The article suggests that non-Muslim students have been rebuffed when they have attempted to use the room for meditation. Please understand that the only information that we have regarding this meditation room are from the above-mentioned article. However, if the information included in the article is true and complete, it raises serious concerns regarding the First Amendment prohibition against government establishment of religion.

The ACLU of Minnesota respects the school's decision to accommodate the religious needs of its students and we have no wish to dissuade you from offering such accommodations; however, these allegations raise concern that the meditation room, as it currently exists, may violate the First Amendment and its provision that the government "make no law respecting an establishment of religion." A governmental practice that exhibits a preference of one religion over another is a violation of the wall between church and state put forth by the Establishment Clause of the First Amendment.

Modern day Establishment Clause jurisprudence is serviced by two sets of guiding principles, those of *Lemon v. Kurtzman*, 403 U.S. 602 (1971) and those of the *County of Allegheny v. ACLU*, 492 U.S. 573 (1989). The *Lemon* Court declares a violation of the Establishment Clause when the primary purpose behind and effect of a governmental practice is one of promoting a singular religion. *Lemon*, 403 U.S. 602 at 612. Although the school's intention may have been a secular one of accommodating students' religious needs, the story alleges that the school has tailored the room in accordance with the religious needs of Muslim students to the exclusion of others. The *Allegheny* Court stresses, however, that a government practice should not be seen as a governmental endorsement of one religion over another. *Allegheny*, 492 U.S. 573 at 597. By allowing the meditation room to be used solely for the adherents of one religion while discouraging those adherents of other religions from pursuing its use the school is

effectively telling non-Muslim students that their religious concerns are not seen as worthwhile as those of Muslim students.

In *Van Zandt v. Thompson*, 839 F.2d 1215 (7<sup>th</sup> Cir. 1988), the Seventh Circuit Appellate Court acknowledged a constitutionally acceptable purpose for the inclusion of a prayer room in a Legislature building. This acceptance, however, turns on a multi-faith mandate and a secular purpose for the prayer room in promoting reflection to “advance the wisdom of the legislators.” *Van Zandt* 839 F.2d at 1222. The bias inherent in the occupancy wheel and dressings of the prayer room frustrates the ability of non-Muslim employees to use the prayer room for such a purpose.

Another example can be found in Title VII of the Civil Rights Act of 1964, which encourages employers to accommodate the religious practices of its employees at work, as long as it does not unduly burden the employer. At the same time, Title VII does not give permission to a public employer to violate the Establishment Clause of the First Amendment of the U.S. Constitution.

We ask that you please review this situation and take the necessary steps to ensure that students at Normandale Community College are treated equally with respect to their religious accommodations and to ensure that the school does not send a message of preference for one religion over other religions. Some possible changes may include a sign-up sheet to help schedule uses of the room for various religious groups on a more equitable basis. Additionally, perhaps students who wish to be segregated during their use of the room could bring their own collapsible room divider rather than a permanent divider. Finally, the school could have a designated location within the room for students to leave literature of their choosing for others to read. Please keep the ACLU-MN informed of the steps you take to address the situation. I would be happy to discuss this matter with you and provide you with assistance in arriving at a solution that respects and accommodates the religious freedom of all students. If, on the other hand, the facts as we understand them are incorrect or incomplete, please provide us with documentation to that end.

Sincerely,

Charles Samuelson  
Executive Director