

Kansas Police: You Can't Pray in Your Own Home

According to attorneys representing a Louisburg, Kan., woman, police forced their way into her home, telling her the Constitution was “just a piece of paper” that “doesn’t work here,” before telling her she could not pray in her home.

All over a simple noise complaint about her radio being turned up too loudly.

According to attorneys for the First Liberty Institute, which are representing Mary Anne Sause, a Catholic former nurse, she was home late at night when the police came to her home. When they knocked at the door, they did not identify themselves as police, and with her front door’s “peephole” inoperative, she did not open the door.

They returned later and identified themselves as police, then demanded to be let in to her apartment. As they berated her for not letting them in the first time, they refused to give a specific reason why they were there, as is required. When she showed them a copy of the Constitution and Bill of Rights given to her by her congressman, one of the officers mockingly said, “that’s nothing, it’s just a piece of paper—[it] doesn’t work here.”

The officers continued to act in a belligerent manner toward Sause, telling the terrified woman she should prepare to go to jail. She asked if she could pray beforehand, and while one of the officers granted her request, the other told her she could not pray in her own home.

“No American should ever be told that they cannot pray in their own home,” First Liberty Institute Associate Counsel Stephanie Taub said. “The right to pray in the privacy of one’s own home is clearly protected by the First Amendment.”

According to the officers' version, they said her prayer was interfering with their ability to ask her questions—in other words, to continuing berating and harassing her—over the simple noise complaint. She was ultimately given a citation to appear over the violation, and not arrested as the officers had threatened.

"The police are supposed to make you feel safe, but I was terrified that night," she said. "It was one of the worst nights of my life."

When First Liberty attorneys took her case to federal court, the district court threw out the complaint entirely, denying Sause her day in court. Her attorneys have now filed a brief with the Tenth Circuit Court of Appeals, seeking to have the case remanded back to the lower court with instructions to hear the case.

"As Ms. Sause explained in her complaint, two Louisburg police officers abused their power and violated her First Amendment rights by ordering her—under threat of arrest and without any legitimate law-enforcement justification—to stop praying in her own home," said attorney Bradley G. Hubbard, a litigation associate with Gibson Dunn, the local law firm assisting with the case. "We urge the Court of Appeals for the Tenth Circuit to reverse the district court's decision and allow Ms. Sause a meaningful day in court as she attempts to vindicate her constitutionally-protected religious liberty."