

Update: Now Police Claim the First Amendment Only Protects Your Right to Choose a Religion

According to the Louisburg, Kan., Police Department, the First Amendment only protects a citizen's right to choose a religious affiliation.

First Liberty Institute has filed a brief in support of former nurse Mary Anne Sause, who was arrested in her home over a simple noise complaint and then told the Constitution was "only a piece of paper" when she attempted to pray before being taken into custody. The matter is now being taken up by the 10th Circuit Court of Appeals.

According to the City of Louisburg, "the act of stopping [Sause]'s prayer did not burden her free exercise of religion" because only conduct that forces her to change her religious practices or causes her to stop praying altogether would violate the Constitution. However, in its brief, First Liberty asserts the Free Exercise clause's protection extends beyond the right to choose one's own religion and includes the right to pray in the privacy of one's own home, which is a fundamental right clearly protected by the First Amendment.

"Prayer is essential to Ms. Sause's faith and everyday life," First Liberty associate counsel Stephanie Taub said. "The government's argument that the First Amendment only allows an individual to choose a religion, but not to fully exercise that faith, is a blatant misstatement of the law."

Sause's attorneys argue that commanding her to stop praying without a legitimate law-enforcement justification burdens her ability to freely exercise her religion in her own home.

“The Free Exercise Clause protects the right to do exactly that—freely exercise one’s faith,” another of her attorneys, Bradley G. Hubbard, said. “It is well established that the First Amendment protects the right to pray in one’s own home. We urge the Court of Appeals for the Tenth Circuit to reverse the district court’s decision and enable Ms. Sause to have a meaningful day in court as she fights to vindicate her religious liberty rights.” {eoa}