

# League Wins Key Religious Freedom Case

In late January, the Catholic League received word that it had won an important religious freedom case. At stake was whether Catholic landlords can exercise their religious beliefs by refusing to rent an apartment to an unwed couple. The Catholic League, which had filed an amicus brief on behalf of the landlords, was delighted with the news. The case began in August 1989 when two brothers, Paul and Ronald Desilets, refused to rent a two-bedroom apartment in Turners Fall, Massachusetts to Cynthia Tarail and Mark Lattanzi. The Desilets said that to yield to the unwed couple's request would violate their religious beliefs, arguing that "living in sin" was not something they wanted to condone. The couple sued the Desilets on the grounds of discrimination and took the case to the Superior Court in Franklin County. The Catholic League entered on the side of the Desilets, urging the court to respect the First Amendment religious freedom rights of the landlords.

In 1992, the League won but the would-be tenants appealed to the state Supreme Judicial Court.

When the case reached the Supreme Judicial Court, it held that the Desilets violated the anti-discrimination laws of Massachusetts by refusing to rent to the unmarried couple, but hastened to add that the landlords' free exercise of religion would be "substantially burdened," and the state would have to show a "compelling interest" if it were to force them to rent to the couple. At issue was the extent to which religious beliefs can run contrary to fair housing laws. The state's highest court then sent the case back to the Superior Court for retrial.

In December, 1994, the Attorney General's office decided not

to retry the case, thus awarding victory to the Catholic League. The Attorney General's office made no public announcement about its decision, and it wasn't until the League's Operation Director, Joe Doyle, called to check on the status of the case that he learned of the outcome. Doyle immediately contacted the press, calling the outcome, "A vindication of the First Amendment and a victory for the rights of conscience of American Catholics."

On the losing side of this case was the Massachusetts Chapter of the ACLU, the American Jewish Congress and the Gay and Lesbian Advocates and Defenders.

Similar cases have occurred elsewhere. The results, thus far, have been uneven.