

Court: Religious sites exempt from bias law

Christian drug rehab allowed to bar Muslim

By Kathy Barrett Carter

STAR-LEDGER STAFF

New Jersey's anti-discrimination law does not apply to religious organizations, a state appeals court ruled yesterday as it refused to order a Christian-run drug treatment program to admit a Muslim man.

The state's Law Against Discrimination has been used to force Princeton University's all-male eating clubs to admit women, Little League teams to let girls play and the Boy Scouts to accept gay leaders.

But the three-judge appeals panel ruled that religious organizations are exempt from the law, which prohibits discrimination on the basis of race, ethnicity, gender, religion or sexual orientation.

The ruling came on a lawsuit brought by Mikal Wazeerud-Din, a 48-year-old Newark man who was denied admission to the Discipleship Program, a faith-based drug treatment program run by the nonprofit Goodwill Home and Missions Inc.

Wazeerud-Din was referred to the program by the state following his release from Marlboro State Psychiatric Hospital, where he had been hospitalized following a suicide attempt.

Richard Cooper, a Newark lawyer who represented Goodwill, did not return phone calls yesterday. A telephone message left at the program's office in Newark also was not returned.

Wazeerud's lawyer, Andrew Dwyer, vowed to ask the New Jersey Supreme Court to review the ruling.

"What I think makes this case difficult ... and an uphill battle is, a Muslim drug addict is not a poster child for the Law Against Discrimination," said Dwyer.

He said his client was willing to comply with all the rules of the program, including going to Bible study, but was summarily turned away because he is a Muslim.

If this ruling is allowed to stand, Dwyer said, it might be possible for a

Christian landlord to refuse to rent to non-Christians or a Christian day care center or hospital to turn away non-Christians. He said the issue should not be the faith of the person seeking services but his or her willingness to abide by the rules of the facility.

In arguing that Wazeerud should have been granted entry into the program, Dwyer essentially maintained that it was a place of "public accommodation" as defined by New Jersey law.

Private organizations in New Jersey can be compelled to comply with the anti-discrimination laws if they are considered places of public accommodation. Restaurants, hotels and even private college clubs and the Boy Scouts have been classified as public accommodations.

Dwyer argues that Goodwill, which provides food, shelter, health services and clothing to the needy, regardless of religious affiliation, also must open its drug treatment program to people of all religious faiths.

The court disagreed.

"Although churches, seminaries and religious programs are not expressly excluded from the definition of 'place of public accommodation,' the Legislature clearly did not intend to subject such facilities and activities" to the Law Against Discrimination, said the decision, written by Judge Stephen Skillman. Judges Paul Levy and Arthur Lesemann joined the ruling.

No medical treatment or secular psychological counseling is provided by Goodwill, the court said.

"Rather, its essential premise is that drug addiction, alcoholism, compulsive gambling and sexual addictions are 'outward manifestations of inward sin.' Consequently, to break the 'chains of addiction,' a person must accept 'Jesus Christ as Savior and Lord of one's living,'" the court said.