

060504

CAIR-CHICAGO

COUNCIL ON AMERICAN-ISLAMIC RELATIONS - CHICAGO CHAPTER

Village of Lombard
255 E. Wilson Ave.
Lombard, Illinois 60148

November 6, 2006

Dear Village of Lombard Board Members,

This letter is regarding the recent parking ordinance that bans parking on Fridays from noon until three on the residential streets of the Cambria community.

The Cambria community is plagued with parking and trespass problems. These problems not only stem from the Muslim community attending Friday prayer, but also from the daily congestion from the Jackson Middle School, visitors attending baseball and softball games at the nearby baseball field, and from other non-residents who congregate around the community's retention pond.

The parking ordinance, however, only targets the problem associated with the Muslim community attending Friday prayer. The ordinance does not address the other trespass concerns the Cambria community faces. The Muslim community understands that trespass is an important issue and would like to work with the Village to devise a solution that addresses all the trespass problems.

The Village of Lombard has a duty to pass laws that do not interfere with their citizen's right to freely practice their religion, as guaranteed by the First Amendment of the U.S. Constitution. According to the U.S. Supreme Court, a government cannot enact a law that intentionally targets a religious group. As applied, the parking ordinance only targets Muslims attending their obligatory Friday prayer. Thus, the ordinance violates the Muslim community's right to exercise their freedom of religion.

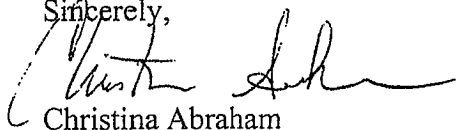
Further, the Supreme Court has ruled that the government may only target a protected class if there is compelling government interest, and if there were no other alternatives available. The Village has no compelling interest, as the law as enacted only targets one portion of the greater trespass problem. Also, the Village has other alternatives it could have used rather than implementing the option that only targets Muslims, alternatives that have already been brought to the attention of the Village Board by concerned community members. The Village should make every effort to address the trespass problem in its entirety, instead of targeting one specific group.

CAIR-Chicago is a local chapter of the Council on American-Islamic Relations (CAIR). CAIR is the largest national Muslim civil rights organization whose mission is to defend the religious rights of Muslims in America, with 31 chapters in North America. CAIR has resolved a number of similar acts of discrimination involving some of America's top corporations such as Nike, the *Los Angeles Times*, JC Penny, Sears and most recently the Dell Corporation. More information on CAIR can be viewed at www.cair.com. CAIR-Chicago has also resolved incidents involving local entities such as Walgreen's, Osco, Unlimited Health, University of Illinois Chicago, DePaul University, the Chicago Police Department, US Citizenship and Immigration Services, the Department of Homeland Security, the Circuit Court of Cook County, and other governmental agencies. More information about our work can be found at our website www.cairchicago.org.

CAIR-Chicago will continue to monitor this situation very closely and take any appropriate action that it deems necessary, including litigation and/or media attention. We look forward to a swift and positive resolution. For additional information regarding this case, you may contact me at (312)212-1520 or by e-mail at civilrights@cairchicago.org.

We look forward to your prompt response.

Sincerely,



Christina Abraham
Civil Rights Coordinator

CA/ac

Lombard Parking Situation

Recitation of Facts:

- The problem in this area is two fold
 - o Parking on the side of the street narrows the street greatly, causing problems for safety and emergency vehicles
 - o Individuals using the local Masjid, baseball fields, and park will park on the side of the street and trespass through private property
- Trespass occurs during Friday prayers, baseball games, other events being held at the mosque, other events being held at the Masjid.
- Trespass during Friday prayers occurs during the first prayer service where there is a lack of parking at the Masjid to accommodate all the worshippers.
- The Masjid does not have adequate parking to accommodate all worshippers during certain events and the first Friday prayer
- The street itself and the sidewalk adjoining the street are public property open for use by the general public. Conceivably, no trespass occurs if one was to park on the street and walk along the street to the Masjid, baseball field, or park area.
- The city of Lombard imposed a parking ban that reads no parking on Fridays from 12pm – 3pm. This time frame is during the Friday Muslim prayer.

Arguments:

- The signs effectively read as No Muslims Park Here. The sign is written in such a way that it narrowly targets one group of people. Although Muslims are not the only parties who park in this area during the course of a week, they are the only ones restricted on public property by these signs.
- The signs can be easily viewed by Muslims as discriminatory. Muslims know the location of the Masjid. Furthermore, they know which events occur between 12pm and 3pm. Even if it is a Muslim party passing through on any other day than Friday, when they view the sign, they will see a restriction targeting their religious group. Such targeting does not only have a discriminatory effect. It also alienates groups of people, especially when the action is done by the city or state. Muslims, who enjoy living in Lombard and being a part of the Lombard community, will feel marginalized that the city of Lombard has written signs narrowly construed against only Muslims.
- Muslims are not the only parties who trespass over this area. Those who use the park, baseball fields, or even walking to the school often park on these streets and trespass through private property. However, the only restriction and trespass the city of Lombard has chosen to address is specifically tailored to restricting Muslims trespassing. Not only are the signs discriminatory in their nature but they are also discriminatory in the trespasses which the signs address.

Alternative Resolutions:

- A generalized no parking sign that deals with trespass from all parties during the week and is not written or tailored in a way specifically targeting Muslims.
- Construction of a fence to prohibit the ability of any party to trespass over private property to get to the baseball fields or Masjid.

