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Leon Tells Residents Only Churchgoers Can Park on City Street

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ACLU of Iowa Sponsors Lawsuit Against “Church Only Parking”

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x20

DES MOINES - The ACLU of Iowa announced today that it has filed suit on behalf of two residents of Leon, Iowa who have been banned from parking in front of their own house because of a "church parking only" ordinance.

The Petitioners, Donald Jones and David Darling, live on the corner of two streets where parking is banned for everyone except churchgoers. Across the street from their residence is a church with a large parking lot. The lawsuit comes only after repeated attempts by the ACLU-IA to induce the city to adopt a religiously neutral parking scheme failed.



“Here we have a city government rather flagrantly mistreating members of its own community,” said Ben Stone, executive director of the ACLU-IA. “There is legal parking in front of our clients’ home, but they can’t park there -- ever – because they don’t go to

the church across the street," said Stone. "The decision of the city to ignore our clients' requests for fairness and force us to file a costly lawsuit is befuddling," he added.

The ACLU-IA lawsuit alleges that in 2006, Petitioner Darling, who had been parking on the street in front of his home, was visited by a Leon city police officer who asked him to park farther from the intersection to give busses more room to turn. Mr. Darling complied with the officer's request to park further from the corner. Approximately two to three weeks later, another police officer informed Darling that if he continued to use on-street parking, he would have to move his car every 24 hours or else the city would tow his car. Mr. Darling complied again by moving his car once every 24 hours.

Subsequently, police informed Mr. Darling that if he continued to park his car anywhere on 10th Street, the city would pass an ordinance making the street "Church Parking Only." Mr. Darling complied yet again with police instructions. Nonetheless, in January 2007, the Leon City Council passed an ordinance limiting parking in front of the Petitioners' residence to church use only.

ACLU of Iowa Legal Director, Randall C. Wilson who is handling the case, says that the Complaint rests firmly on several constitutional grounds including Iowa's seldom used prohibition on the imposition of "religious tests" in connection with qualification for a privilege. More traditional arguments in the lawsuit include the unconstitutional government "establishment" of religion," and civil rights violations based on "religious discrimination."

According to Wilson, the ordinance allows lots of cars to be parked on the street when parking by even just the petitioners would supposedly be a problem, while at the same time it does not allow the petitioners to park in front of their own home even when few, if any one else is parking there.

Leon is located in Decatur County in south central Iowa. It has 2,000 residents and 16 churches. The Petitioners residence is the only residence that is entirely affected by the parking ban. Mr. Jones appeared before the Leon City Council to plead against the ordinance and the ACLUF of Iowa wrote two letters to the City asking the city to regulate parking in a religiously neutral way. Both letters were ignored.

The lawsuit has been filed in the U.S. District Court for the Southern District of Iowa. The City will be asked to accept service of the lawsuit in the near future.

The complaint can be downloaded: <http://www.aclu-ia.org/legal/briefs.asp>

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