

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

In the Matter of:	}	
	}	
TERRY LEE HINDS,	}	
<i>Pro se,</i>	}	
Plaintiff,	}	
	}	
-Vs-	}	
	}	
	}	CIVIL ACTION
"UNITED STATES" GOVERNMENT	}	FILE NUMBER: <b>4:17 – CV – 750 AGF</b>
	}	
Defendants.	}	

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**LEGAL NOTICE OF "UNITED STATES" GOVERNMENTAL POLICY  
ON RELIGIOUS LIBERTY PROTECTIONS UNDER FEDERAL LAW**

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This legal notice is hereby entered into the record of this case, made pursuant to the U.S. constitutional authority in, Executive Order No. 13798 § 4, 82 Fed. Reg. 21675 (May 4, 2017) and by the lawful authority of the U.S. Attorney General of the Department of Justice, who issued on **October 6, 2017**, legal guidance and its implementation to all administrative agencies and executive departments about their obligations to protect religious liberty and its related expressive speech in the United States. (collectively "[Exec.Order/Directive/A.G.Policy]"). Plaintiff asserts DOJ's attorney Gregory Mokodean and his motions, violated [Exec.Order/Directive/A.G.Policy].

This *legal notice* is in support of Plaintiff's civil action for rights, privileges, or immunities concerning his religious liberties and his protected speech thereof, secured by the U.S. Constitution and the Rule of Law or [Exec.Order/Directive/A.G.Policy], thereby to secure, protect and defend Plaintiff's *free exercise* of *unalienable rights* to life, liberty and pursuit of happiness, hereby declare and state or shows the following:

## **Religious Liberty Guidance Backgrounder**

**I.** As President Trump said, "Faith is deeply embedded into the history of our country, the spirit of our founding and the soul of our nation \* \* \* [and the administration] will not allow people of faith to be targeted, bullied or silenced anymore." He promised that this administration would "lead by example on religious liberty" and he is delivering on that promise.

**II.** In the Executive Order, the President directed the Attorney General to "issue guidance interpreting religious liberty protections in Federal law" in order "to guide all agencies in complying with relevant Federal law."

**III.** The Attorney General has issued legal guidance to all administrative agencies and executive departments about their obligations to protect religious liberty in the United States. The guidance reminds and instructs agencies of their obligations under federal law to protect religious liberty, and summarizes twenty key principles of religious-liberty protections that agencies can use in that effort.

See the Department of Justice, Office of Public Affairs' press release titled: "Attorney General Sessions Issues Guidance On Federal Law Protections For Religious Liberty" more particularly described in Exhibit V#1 attached hereto and incorporated by reference as if fully set forth herein.

### **IV. Religious Liberty Guidance Generally:**

A. Religious liberty is a foundational principle of enduring importance in this country, enshrined in our Constitution and other sources of federal law. In fact, more than 200 statutes and more than 158 regulations that provide such protection.

B. President Trump recognized the importance of this right in his Executive Order Promoting Free Speech and Religious Liberty, and he declared that "[i]t shall be the

policy of the executive branch to vigorously enforce Federal law’s robust protections for religious freedom.”

- C. The Attorney General issued two memoranda. The first memorandum, addressed to all administrative agencies and executive departments, identifies 20 key principles of religious liberty. It explains that agencies should use these principles to protect religious liberty in all aspects of their work, including as employers, rule-makers, adjudicators, contract- and grant-makers, and program administrators. The second memorandum, addressed to Department of Justice components and United States Attorney’s offices, directs the implementation of that guidance within the Department.
- D. This Guidance does not resolve any specific cases; it offers guidance on existing protections for religious liberty in federal law. The Guidance does not authorize anyone to discriminate on the basis of race, ethnicity, national origin, sex, sexual orientation, or gender identity in violation of federal law or change existing federal and state protections.
- E. The *rule of law* and its constitutional provisions are set forth in the “APPENDIX” of the October 6, 2017 MEMORANDUM FOR ALL EXECUTIVE DEPARTMENTS AND AGENCIES.

See the Department of Justice, subject matter “Federal law Protections for Religious Liberty” issued by Attorney General Sessions, more particularly described in Exhibit V#2 attached hereto and incorporated by reference as if fully set forth herein.

#### **V. The 20 Key Principles of Religious Liberty:**

1. The freedom of religion is an important, fundamental right, expressly protected by federal law.
2. The free exercise of religion includes the right to act or abstain from action in accordance with

one's religious beliefs.

3. The freedom of religion extends to persons and organizations.
4. Americans do not give up their freedom of religion by participating in society or the economy, or interacting with government.
5. Government may not restrict or compel actions because of the belief they display.
6. Government may not exclude religious individuals or entities based on their religion.
7. Government may not target religious individuals or entities through discriminatory enforcement of neutral, generally applicable laws.
8. Government may not officially favor or disfavor particular religious groups.
9. Government may not interfere with the autonomy of a religious organization.
10. The Religious Freedom Restoration Act of 1993 ("RFRA") prohibits the federal government from substantially burdening any aspect of religious observance or practice, except in rare cases where the government has a compelling reason and there is not a less-restrictive option available.
11. RFRA's protection extends not just to individuals, but also to organizations, associations, and at least some for-profit corporations.
12. RFRA does not permit the federal government to second-guess the reasonableness of a sincerely held religious belief.
13. A governmental action substantially burdens an exercise of religion under RFRA if it bans an aspect of an adherent's religious observance or practice, compels an act inconsistent with that observance or practice, or substantially pressures the adherent to modify such observance or practice.
14. Under RFRA, strict scrutiny standard apply to any government action that would substantially burden religious freedom is held to an exceptionally demanding standard.

15. RFRA applies even where a religious adherent seeks an exemption from a legal requirement to confer benefits on third parties.

16. Title VII of the Civil Rights Act of 1964 prohibits covered employers from discriminating against individuals on the basis of their religion.

17. Title VII's prohibits discrimination on the basis of religious observance or practice as well as belief, unless the employer cannot reasonably accommodate such observance or practice without undue hardship.

18. The Clinton Guidelines on Religious Exercise and Religious Expression in the Federal Workplace provide useful examples for private employers of reasonable accommodations for religious observance and practice in the workplace.

19. Religious employers are entitled to employ only persons whose beliefs and conduct are consistent with the employers' religious precepts.

20. Generally, the federal government may not condition federal grants or contracts on the religious organization altering its religious character, beliefs, or activities.

See the Department of Justice, subject matter "Federal law Protections for Religious Liberty" from Attorney General Sessions, being more particularly described in Exhibit V#2 attached hereto and incorporated by reference as if fully set forth herein.

## **VI. Implementation of the Guidance at the Department of Justice**

- The Department of Justice will vigorously enforce federal protections for religious liberty.
- The Attorney General has directed all Department components and United States Attorney's offices to incorporate *the new guidance in litigation strategy and arguments*, Department operations, grant administration, and all other aspects of the Department's work.
- Department attorneys will also use this interpretive guidance in formulating opinions and advice

for all other Executive Branch agencies.

- The Office of Legal Policy, in consultation with the Civil Rights Division, will review every Department rule-making action, and every agency action submitted for review by the Department, to ensure consistency with federal protections for religious liberty. The Department will not concur in the issuance of any rule that appears to conflict with federal laws governing religious liberty, as set forth in the interpretive guidance.

- “In addition, to the extent that existing procedures do not already provide for consultation with the Associate Attorney General, Department components and United States Attorney's Offices shall notify the Associate Attorney General of all issues arising in litigation, operations, grants, or other aspects of the Department's work that appear to raise novel, material questions under RFRA or other religious liberty protections addressed in the interpretive guidance. ***The Associate Attorney General shall promptly alert the submitting component of any concerns.***”

- Any questions about the interpretive guidance or this memorandum should be addressed to the Office of Legal Policy, U.S. Department of Justice, 950 Pennsylvania Avenue N. W., Washington, D.C. 20530, phone (202) 514-4601.

See the Department of Justice, subject matter “Implementation of Memorandum on Federal Law Protections for Religious Liberty” issued by Attorney General Sessions, being more particularly described in Exhibit V#3 attached hereto and incorporated by reference as if fully set forth herein.

## **VII. Executive Order 13798 of May 4, 2017 Promoting Free Speech & Religious Liberty**

President Trump declared in part or germane to this case and its controversies concerning Plaintiff's religious liberty and protected speech presented in this litigation thereof the following:

By the authority vested in me as President by the Constitution and the laws of the United States of America, in order to guide the executive branch in formulating and implementing policies

with implications for the religious liberty of persons and organizations in America, and to further compliance with the Constitution and with applicable statutes and Presidential Directives, it is hereby ordered as follows:

**Section 1. Policy.** It shall be the policy of the executive branch to vigorously enforce Federal law's robust protections for religious freedom. The Founders envisioned a Nation in which religious voices and views were integral to a vibrant public square, and in which religious people and institutions were free to practice their faith without fear of discrimination or retaliation by the Federal Government. For that reason, the United States Constitution enshrines and protects the fundamental right to religious liberty as Americans' first freedom. Federal law protects the freedom of Americans and their organizations to exercise religion and participate fully in civic life without undue interference by the Federal Government. The executive branch will honor and enforce those protections.

**Sec. 2. Respecting Religious and Political Speech.** All executive departments and agencies (agencies) shall, to the greatest extent practicable and to the extent permitted by law, respect and protect the freedom of persons and organizations to engage in religious and political speech. In particular, the Secretary of the Treasury shall ensure, to the extent permitted by law, that the Department of the Treasury does not take any adverse action against any individual, house of worship, or other religious organization on the basis that such individual or organization speaks or has spoken about moral or political issues from a religious perspective, where speech of similar character has, consistent with law, not ordinarily been treated as participation or intervention in a political campaign on behalf of (or in opposition to) a candidate for public office by the Department of the Treasury. As used in this section, the term "adverse action" means the imposition of any tax or tax penalty; the delay or denial of tax-exempt status; the disallowance of tax deductions for

contributions made to entities exempted from taxation under section 501(c)(3) of title 26, United States Code; or any other action that makes unavailable or denies any tax deduction, exemption, credit, or benefit.

**Sec. 4. Religious Liberty Guidance.** In order to guide all agencies in complying with relevant Federal law, the Attorney General shall, as appropriate, issue guidance interpreting religious liberty protections in Federal law.

See Federal Register / Vol. 82 , No. 88 / Tuesday, May 9, 2017 / Presidential Documents, Executive Order 13798 of May 4, 2017; being more particularly described in Exhibit V#4 attached hereto and incorporated by reference as if fully set forth herein.

**FOR THE RECORD AND WITHIN THE RECORD OF THIS CASE:**

CARRIE COSTANTIN, Acting United States Attorney for Eastern District of Missouri, DAVID A. HUBBERT, Acting Assistant Attorney General, Tax Division and GREGORY L. MOKODEAN, Trial Attorney, Tax Division of the U.S. Department of Justice filed the following documents and asserted arguments or activities or formulating and implementing policies with implications regarding religious liberty in violation of [Exec.Order/Directive/A.G.Policy].

**On Thursday, June 29, 2017**

(ECF No. 51) the above-mentioned attorneys for the Defendants filed a MOTION to Strike Filings or, in the Alternative, for an Extension of Time filed by Defendants “United States” Government.

(ECF No. 52) the above-mentioned attorneys for the Defendants filed a Memorandum in Support of Motion re51 MOTION to Strike Filings or, in the Alternative, for an Extension of Time filed by Defendants “United States” Government.

**On Monday, July 31, 2017**

(ECF No. 59) the above-mentioned attorneys for the Defendants filed a Memorandum in Opposition re56 MOTION for Reconsideration re55 Memorandum & Order filed by Defendants “United States” Government.

**On Tuesday, August 22, 2017**

(ECF No. 67) the above-mentioned attorneys for the Defendants filed a Memorandum in in Opposition re64 MOTION for Leave to Construe and Correct the Record with Stricken Exhibits Originally Listed & Presented as Evidence (Doc. No.3) or, in the Alternative, Motion for Relief from Nondispositive Pretrial Order of Magistrate Judge Bodenhausen's filed by Defendants "United States" Government.

**On Monday, September 11, 2017**

(ECF No. 82) the above-mentioned attorneys for the Defendants filed a MOTION to Dismiss for Lack of Jurisdiction, MOTION to Dismiss Case filed by Defendants "United States" Government.

(ECF No. 83) the above-mentioned attorneys for the Defendants filed a Memorandum in Support of MOTION re82 MOTION to Dismiss for Lack of Jurisdiction MOTION to Dismiss Case filed by Defendant United States Government.

Also, Defendants' Motions (ECF No. 82) was filed in opposition to the requirement in section 32 of the Judiciary Act of 1789, as well as, [Exec.Order/Directive/A.G.Policy]. For the record U.S. Supreme Court precedent as held in *Cantwell v. Connecticut*, 310 U.S. 296, 304 (1940):

"Freedom of conscience and freedom to adhere to such religious organization or form of worship as the *individual may choose cannot be restricted by law*. On the other hand, it safeguards the free exercise of the chosen form of religion. Thus, the Amendment embraces two concepts, - ***freedom to believe and freedom to act. The first is absolute but, in the nature of things, the second cannot be.*** Conduct remains subject to regulation for the protection of society. The freedom to act must have appropriate definition to preserve the enforcement of that protection." (Emphasis added).

For the premises or reasons set forth herein, Plaintiff requests the above-mentioned attorneys for the Defendants file a MOTION to ***withdraw*** Defendants' pending RULE 12(b)1 MOTION to Dismiss for Lack of Jurisdiction, RULE 12(b)6 & RULE 12(d) MOTION to Dismiss Case filed by Defendants "United States" Government (ECF No. 82). These pending motions or activity is contrary to the rule of law, Plaintiff's religious liberty, constitutional rights or his sacred right of conscience, as well as, the governmental policy set as [Exec.Order/Directive/A.G.Policy].

*Respectfully submitted,*

Executed this 23<sup>rd</sup> day of October, 2017

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TERRY LEE HINDS, Plaintiff, *Pro se*  
438 Leicester Square Drive  
Ballwin, Missouri 63021  
PH (636) 675-0028

**CERTIFICATE OF SERVICE AND DELIVERY**

I hereby certify that the foregoing was filed this 23<sup>rd</sup> day of October, 2017 and served upon Defendants and its U.S. Attorney, by First class postage prepaid, U.S. Certified mail # 7009-0960-0000-0249-7009 at the following address:

Gregory L. Mokodean  
Trial Attorney, Tax Division  
U.S. Department of Justice  
P.O. Box 7238  
Washington, D.C. 20044

Initials \_\_\_\_\_

*Signatures of*

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TERRY LEE HINDS, *Pro se*, Plaintiff