

# FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 • MADISON, WI 53701 • (608) 256-8900 • WWW.FFRF.ORG

June 24, 2013

## SENT VIA U.S. MAIL TO

Sandra M. Heathman  
District Director  
U.S. Department of Homeland Security  
Citizenship and Immigration Services  
126 Northpoint Drive  
Houston, TX 77060

Re: Your response to our letter regarding illegal and unconstitutional religious requirements for receiving exemption to “bear arms” oath

Dear Ms. Heathman:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to respond to your letter dated June 19, 2013 regarding Margaret Ann Doughty’s naturalization application. First, we would like to thank you for taking the matter of requiring religious documentation to be a conscientious objector seriously, and for approving Ms. Doughty’s application. However, we must request additional investigation into District 17 and USCIS’s procedures.

Granting Ms. Doughty’s application is commendable, but it only addresses the issue of the office requesting religious documentation *for one applicant*. If Ms. Doughty received a religiously-biased request for evidence (RFE) regarding her status as a conscientious objector, it is likely others have as well. We heard about Ms. Doughty’s case because she had an excellent grasp of her rights, the courage to assert them, has lived in the U.S. for three decades, and speaks English as a first language. Other applicants may not be as well-equipped as Ms. Doughty to challenge an unconstitutional government practice. They may not understand that they *can* challenge the government – particularly if their countries of origin do not tolerate the same level of open political dissent as that protected by the First Amendment.

We are happy for Ms. Doughty, but concerned for others whose applications are processed in the Houston office and by USCIS generally. This single incident does not appear to be isolated, but a symptom of a larger problem. USCIS needs to investigate to determine if that problem is inadequate employee education or deliberate religious discrimination. USCIS *should* have a standard procedure for applicants requesting conscientious objector status, including a standard RFE. If there is no such standard procedure, USCIS needs to create one, ensure it is religiously neutral, and train its employees to follow it. If there is a standard procedure, and the Houston office was following it, then that procedure is unconstitutionally biased toward religion. If there is a standard, religiously-neutral procedure, and the Houston office was *not* following it, then it needs to comply with USCIS policies and not institute its own, discriminatory ones.

Please inform us in writing at your earliest convenience to let us know the steps your district and USCIS are taking to educate their employees, review past instances of applicants being sent RFEs similar to Ms. Doughty's, and institute/change their standard procedures regarding RFEs sent to conscientious objectors.

Sincerely,

A handwritten signature in blue ink, appearing to read "Andrew L. Seidel". The signature is fluid and cursive, with the first name "Andrew" and last name "Seidel" clearly distinguishable.

Andrew L. Seidel  
Staff Attorney

ALS:cmr