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**BAPTIST CHURCH, REPRESENTED BY  
KING & SPALDING AND ACLU, FILES FEDERAL LAWSUIT  
TO STRIKE ORDINANCE ON RELIGIOUS GROUNDS**

**The City Of East Point Has Unlawfully Discriminated Against  
The Tabernacle Community Baptist Church On The Basis Of  
The Church's Religious Nature, The Complaint Alleges**

FOR IMMEDIATE RELEASE

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April 19, 2006

ATLANTA — King & Spalding LLP, cooperating attorneys with ACLU of Georgia, Inc., have today filed a federal lawsuit on behalf of the Tabernacle Community Baptist Church, which was denied a zoning permit needed to establish its house of worship in East Point, Georgia.

“We simply want a permanent house of worship, where church members can gather for ministry, education, and fellowship,” said Nathaniel Smiley, pastor at the Tabernacle Community Baptist Church, “This property is perfect for our church, and we don’t believe that we should be denied the ability to move in because we are a church.”

An East Point zoning ordinance prohibits churches from occupying buildings that were not originally constructed as churches. A non-religious commercial enterprise could purchase the building, however. The lawsuit charges that such an ordinance violates the United States and Georgia Constitutions. The complaint also said the ordinance violates the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), a federal statute that protects religious freedom in the land-use and prison contexts.

“Freedom of religion is at the heart of this case,” said John W. Hinchey, partner of King & Spalding. “In keeping with our long and proud tradition of service to the Atlanta community, King & Spalding is pleased to represent Tabernacle Community Baptist Church, under the sponsorship of ACLU of Georgia, Inc. We are advocating on behalf of all religious faiths, creeds and denominations, because we believe that the legal community has a responsibility to ensure that freedom of worship is protected for all people.”

The church is currently without a permanent house of worship. For the past two years, the members and Pastor Smiley have met for Sunday worship services at the Wellesley Inn in East Point. When the facilities are available, services are held in the Inn’s conference room, which can hold only 60 persons. The church is forced to use the employee break room for its Sunday school classes.

Pastor Smiley chose the property in dispute in April 2005 because of its availability, price and central location in the heart of East Point. The owner agreed to sell Pastor Smiley the property, but the zoning and planning commission intervened and informed the church of a city ordinance prohibiting churches from occupying structures that had previously been used for commercial purposes.

The complaint is asking the court to permit the church to establish a place of worship on the property in question.

Maggie Garrett, Staff Counsel at the ACLU of Georgia, added “The City of East Point should not be discriminating against the Tabernacle Community Baptist Church simply because it is a religious entity. This zoning ordinance is unconstitutional and unjust.”

The lawsuit, *Tabernacle Community Baptist Church v. City of East Point*, was filed in the United States District Court for the Northern District of Georgia, Atlanta Division. A copy of the complaint can be found online at: [www.acluga.org](http://www.acluga.org).

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