

PDP Defends Town in Religious Cemetery Land Use Case

Islamic Society of Greater Worcester v. Town of Dudley

Attorney John J. Davis recently defended the Town of Dudley, MA, and several Town officials in an action filed in Massachusetts Land Court by the Islamic Society of Greater Worcester (“ISGW”).

In a case that garnered national attention, the ISGW claimed that Town officials had unlawfully thwarted its plans to put a Muslim cemetery in Dudley simply because of its members’ religious beliefs. In repeated comments to the press, counsel for the ISGW falsely accused Town residents and officials of Islamophobia and religious bigotry. Joined by counsel for the ACLU, the ISGW threatened to file a federal civil rights suit under the Free Exercise Clause of the First Amendment, the Religious Land Use and Institutionalized Persons Act (“RLUIPA”), and other federal remedies.

A Land Use Dispute Is Not a Civil Rights Case

Working together with Town Counsel, the Town Administrator and the Dudley Board of Selectmen, Attorney Davis successfully assisted the Town in reducing the inflammatory rhetoric and in refocusing the case on the land use issues in dispute. No state or federal civil rights suit was ever filed, and the Department of Justice closed its investigation.

Ultimately, the parties reached a settlement. Under the terms of the agreement, the ISGW was to return to Dudley Town Hall to participate in a public review process that would fully vet its cemetery proposal. Notably, the settlement agreement included no provision for the payment of damages, attorneys’ fees or costs.

After initially re-commencing the public review process, the ISGW, in April 2017, abruptly withdrew its proposal and decided to locate its cemetery elsewhere citing financial reasons.