

**ACLU Nebraska Files Lawsuit on Behalf of Muslim Woman Barred
from Public Pool Because She Refused to Wear a Swim Suit**

**Mother Was Told She Must Remove Religious Garb or Leave Young
Children Unattended**

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OMAHA, NE -- The American Civil Liberties Union of Nebraska today filed a federal civil rights lawsuit against the city of Omaha on behalf of Lubna Hussein, a Muslim woman who was told she must remove her religious garb in order to accompany her children at a municipal swimming pool.

“The city cannot operate its pools in a way that discriminates,” said ACLU Nebraska Legal Director Amy Miller. “In this case, they have barred the pool doors to three children because of their mother’s religious beliefs. There is no doubt that the City Parks and Recreation Department policies are not only discriminatory, but also have been applied in a disparate manner against Mrs. Hussein.”

In June and August 2003, Hussein took her three children, ages 9 and under, to the Deer Ridge municipal pool in Omaha, only to be turned away at the gate after informing city employees that she could not wear a bathing suit without violating her religious beliefs. She was told by pool employees that she could not be in the pool area in her street clothing, even though she observed other people in the pool area who were not wearing bathing suits. On one occasion, officials told Hussein that her children could enter but that she would have to remain outside and observe them from the other side of the pool fence.

“What an unnecessary Hobbes’ Choice the city offered Mrs. Hussein,” said ACLU of Nebraska Executive Director Tim Butz. “On the one hand, she could follow her religion and stay outside the pool in her observant clothing and risk endangering her children because she was not close enough to supervise and tend to them. On the other hand, she could ignore the tenets of her faith and follow good parenting practices by being

immediately present with children who are in a pool. The only solution she saw to this dilemma was to take her children home, which was not only embarrassing to her but disappointed her children to the point of tears.”

In following her religion, Mrs. Hussein is required to keep all of her body covered except her face and hands. Each time that she tried to enter the pool, Mrs. Hussein observed other individuals who were allowed inside without bathing suits.

The ACLU complaint charges that the policy, and the city’s actions in enforcing it, violated Mrs. Hussein’s rights under the 14th Amendment to equal protection under the law, as well as a number of federal civil rights statutes.

Miller is representing Hussein as co-counsel with ACLU cooperating attorney Bassel El-Kasaby.

“Mrs. Hussein simply sought to allow her children the same opportunity for a summer swim as any other child, and she should not be forced to dress in a manner contrary to her religious beliefs in order to do so.” said El-Kasaby. “The City’s policies and practices not only discriminated against the Hussein family, but it discriminates against all families, Muslim or otherwise, with sincere religious beliefs on this matter.”

The ACLU is seeking a court order declaring the pool policy unconstitutional, as well as compensatory and punitive damages for the humiliation, embarrassment and suffering experienced by Mrs. Hussein and her children, plus attorneys’ fees. The litigation is being underwritten by the ACLU of Nebraska Foundation without cost to the Hussein family. It is unknown when the matter will be set for trial.