

ALAN M. DERSHOWITZ

1575 MASSACHUSETTS AVENUE
CAMBRIDGE • MASSACHUSETTS • 02138

Hon. Chris Smith
Hon. Grace Meng
U.S. House of Representatives
Washington, DC
By electronic mail

Dear Representatives Smith and Meng,

I write to express my support for your legislation (H.R. 592) which will ensure that churches, synagogues, mosques and other houses of worship damaged in Hurricane Sandy will be eligible to receive federal disaster relief funds to repair their facilities on the same terms as other, similarly situated, private nonprofit organizations.

While the Establishment Clause of the First Amendment properly restricts government funds flowing to religious institutions, this restriction is not absolute. Under precedents of the U.S. Supreme Court, religious institutions may receive government aid if it is in the context of a broadly available program with criteria that are neutral toward religion and pose no risks of religious favoritism. This is certainly the case in the context of FEMA disbursing aid to repair buildings in the wake of a natural disaster.

Once FEMA has the policy in place to aid various nonprofit organizations with their building repairs, houses of worship should not be excluded from receiving this aid on the same terms. This is all the more appropriate given the neutral role we have witnessed houses of worship play, without regard to the religion of those affected, in the wake of Sandy and countless previous disasters. Federal disaster relief aid is a form of social insurance and a means of helping battered communities get back on their feet. Churches, synagogues, mosques and other houses of worship are an essential part of the recovery process.

I hope Congress will move quickly to enact your legislation.

Sincerely,



Alan Dershowitz
Felix Frankfurter Professor of Law
Harvard Law School