

Cases from Third Circuit Court of Appeals

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Case 1: Webb v. City of Philadelphia

Philadelphia Police Department issued a dress code policy in 2009. The policy restricted police officials to wear religious clothing. The Third Circuit U.S. Court of Appeals upheld the Police Departments policies on dress code. Mrs. Webb wore Muslim scarf while performing her policing duties. The department asked her to forbid the practice. This led to a legal battle between the plaintiff and the defendant, Philadelphia Police Department.

The plaintiff argued that the department was creating religious intolerant and racially discriminating practices within the law enforcement agency. She argued that these policies created a retaliating and extremely hostile environment. This was not conducive to working, as it was intolerant and racially subjugating.

The courts were able to establish *prima facie* case for religious discrimination. However the ruling did not suggest as such. The ruling inclined towards the defendants. Simply because giving the case to the plaintiff would cause undue burden and distress to the coffers of the police department; which was already operating on a tight budget.

The religious discrimination was statutory under 42 U.S.C. 2000e-2(a)(1). Whether the ruling was justifiable is hard to argue, as the plaintiff did demonstrate racial discrimination against her. Given these assertions, the ruling is not justifiable.

Case 2: Fraternal Order of Police Newark Lodge No. 12 v. City of Newark, 170 F. 3d 359

(3d Cir. 1999) <The “beards’ case>

Third Circuit Court of Appeals on 1998 and consequently in 1999, heard a case lodged by the plaintiffs: the police Newark Lodge against the defendant City of Newark.

The court was a result of a policy initiative by the City of Newark which ordered its police officers to trim their beards. Rather to forego it completely. Thus these officers were ordered by amendment to remain clean shaven. However, two Police Officers, of Muslim descent, were extremely hurt with the new ruling. They argued that maintaining their beards is a personal arrangement and should not be modified and moderated as per city rulings.

The judgment ordained by the appellate court, gave the decision in favor of the plaintiffs. The arguments posited by the plaintiffs asserted compulsion towards religious beliefs that required them to keep unshaven beards. The court justified the ruling by claiming that the city was unable to provide substantive evidences and arguments that supported the new rule change.

References

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