

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MARYJANE BICKSLER,)	
)	Case No.
)	
Plaintiff,)	Judge
)	
v.)	
)	
THE ILLINOIS SECRETARY OF STATE, & JESSE WHITE, in his official capacity as the Illinois Secretary of State,)	
)	
)	
Defendants.)	

COMPLAINT

NOW COMES the Plaintiff, Maryjane Bicksler, by and through her attorney, Phillip J. Robertson of CAIR-Chicago, and for her Complaint against Defendants, states as follows:

I. INTRODUCTION

1. This civil rights action challenges the Secretary of State’s deprivation of Plaintiff Maryjane Bicksler’s constitutionally protected freedom of religion under the First Amendment to the United States Constitution and the Illinois Religious Freedom Restoration Act.

2. At the time she applied to renew her Illinois Driver’s License, to be photographed while wearing her hijab, Ms. Bicksler, who is Muslim, was forced to sign a form stating, “In observation of my religious convictions, I only remove my head dressing in public when removal is necessary (such as for a medical examination or a visit to a hair dresser or barber). I do not remove the head dressing in public as a matter of courtesy or protocol

(such as when entering a professional office or attending a worship service). I acknowledge that if the Director of the Driver Services Department is provided with evidence showing I do not wear a religious head dressing at all times while in public, unless circumstances require the removal of the head dressing, my driver's license or identification card may be canceled." *See* 92 Ill. Adm. Code 1030.90(b)(4).

3. The Illinois Secretary of State is constitutionally required to make reasonable accommodations for sincerely-held religious beliefs, such as the wearing of one's religious head covering on a Driver's License photo without undue obstacles.

4. Injunctive relief is warranted to prevent the Illinois Secretary of State from continuing its unconstitutional policy of forcing individuals to sign a waiver to exercise their constitutional rights.

II. JURISDICTION AND VENUE

5. This action arises under 42 U.S.C. § 1983, the Constitution of the United States, and the Illinois Religious Freedom Restoration Act, 775 ILCS 35/1 *et seq.* This Court has subject matter jurisdiction over Plaintiff's claims pursuant to 28 U.S.C. §§ 1331 and 1343, and 42 U.S.C. § 1983.

6. Venue is proper in the United States District Court of the Northern District of Illinois pursuant to 28 U.S.C. § 1391(b) because the event giving rise to this claim occurred in this District and all parties reside and/or operate in the District.

7. This action is not related to any previously filed cases in this Court.

III. PARTIES

8. Plaintiff Maryjane Bicksler is a Muslim woman and a United States citizen residing in Rockford, Illinois. As a practicing Muslim, and in accordance with her

religious beliefs, Ms. Bicksler wears a headscarf covering her hair, ears, neck, and part of her chest when she is in public and when she is in the presence of men who are not members of her immediate family.

9. Defendant Jesse White is the public official in charge of the Secretary of State's Office. The Secretary of State is responsible for the practice and/or policy that denied Plaintiff her right to freely practice her religion.

IV. FACTUAL ALLEGATIONS

10. Many Muslim women wear a headscarf, hijab, khimar, or other head covering in accordance with their religious beliefs based on their understanding of the Qur'an and the Islamic faith. Many Muslim men wear a kufi, topi, fez, turban, or other head covering for the same reasons.

11. Plaintiff Maryjane Bicksler wears a hijab when she is in public or in the company of men as part of her religious faith and practice. Her hijab is a reminder of her faith, the importance of modesty in her religion and to her personally, and as a symbol of her own autonomy over who may see what she and her faith consider the more intimate parts of her body.

12. On July 17, 2018, Plaintiff went to renew her Driver's License at the Rockford, Illinois, Secretary of State's Office on Auburn Street. After being allowed to have her picture taken while wearing her hijab, she was asked to sign the aforementioned form. She refused, and was informed that she would not be given her Driver's License if she did not sign the form.

13. As a result, Ms. Bicksler, in a state of shock and humiliation, was obligated to sign the form, as living without being able to use her vehicle was not a viable possibility for her.

14. Plaintiff needs her license to buy groceries, pay bills, pick up medical prescriptions, go to medical appointments, run household errands, and go to several stores to buy food for her pets. She does volunteer work for Prairie State Legal Services as a fair housing tester, which sometimes requires her to do extensive driving. Her daughter attends Northeastern Illinois University and lives in Chicago and she visits her. She also has a brother who lives near Freeport who she visits regularly.

15. Defendants refused to let Ms. Bicksler keep a copy of the document, or even to take a picture of it, revealing the state of suspicious secrecy around the whole ordeal.

16. The aftermath of that situation included anxiety from being on constant vigilance regarding the state of her hijab, fearing that if she took it off in public for any reason, such as medical duress, heatwave, or simple discomfort, she would be in violation of the form.

17. Since that day, Plaintiff lives in fear of either losing her main means of transportation or being punished for simply practicing her religion as she sees fit, as the First Amendment allows her to do, without undue restraint.

COUNT I – VIOLATION OF THE FIRST AMENDMENT (42 U.S.C. § 1983)

18. Plaintiff incorporates Paragraphs 1 through 17 above as though fully set forth herein.

19. The First Amendment to the United States Constitution provides that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...”

20. By their actions, including forcing Plaintiff to sign the form as mentioned above, Defendants denied Plaintiff the right to the free exercise of her religion, as guaranteed by the First Amendment to the United States Constitution and incorporated against the States through the Fourteenth Amendment.

21. Defendants were State actors, acting under color of State law, throughout the events described above. As such, by depriving Ms. Bicksler of her Constitutional religious rights, Defendants are liable under 42 U.S.C. § 1983.

22. As a result of Defendants’ conduct, Plaintiff Maryjane Bicksler suffered and continues to suffer fear, anxiety, mental anguish, and emotional distress.

REQUEST FOR RELIEF

Plaintiff therefore respectfully requests that this Honorable Court enter a judgment against Defendants including, but not limited to:

- a. An injunction amending 92 Ill. Adm. Code 1030.90(b), Section 4, Religious Head Dressings;
- b. Compensatory damages in an amount to be proven at trial;
- c. Punitive damages in an amount to be proven at trial
- d. Costs and reasonable attorney’s fees; and
- e. Such additional and further relief as this Honorable Court deems just and equitable.

COUNT II – VIOLATION OF THE ILLINOIS RELIGIOUS FREEDOM

RESTORATION ACT (775 ILCS 35/1 et seq.)

23. Plaintiff incorporates Paragraphs 1 through 17 above as though fully set forth herein.
24. The Illinois Religious Freedom Restoration Act provides that “Government may not substantially burden a person's exercise of religion, even if the burden results from a rule of general applicability, unless it demonstrates that application of the burden to the person (i) is in furtherance of a compelling governmental interest and (ii) is the least restrictive means of furthering that compelling governmental interest.” 775 ILCS 35/15.
25. By their actions, including forcing Plaintiff to sign the form as mentioned above, Defendants substantially burdened Plaintiff’s free exercise of religion. Such restriction is not essential to further any compelling governmental interest, nor does it constitute the least restrictive means of furthering any compelling governmental interest.
26. As a result of Defendants’ conduct, Plaintiff Maryjane Bicksler suffered and continues to suffer fear, anxiety, mental anguish, and emotional distress.

REQUEST FOR RELIEF

Plaintiff therefore respectfully requests that this Honorable Court enter a judgment against Defendants including, but not limited to:

- a. An injunction amending 92 Ill. Adm. Code 1030.90(b), Section 4, Religious Head Dressings;

- b. Compensatory damages in an amount to be proven at trial;
- c. Punitive damages in an amount to be proven at trial
- d. Costs and reasonable attorney's fees; and
- e. Such additional and further relief as this Honorable Court deems just and equitable.

COUNT III – VIOLATION OF THE ILLINOIS HUMAN RIGHTS ACT (775 ILCS 5/1-101 et seq.)

- 27. Plaintiff incorporates Paragraphs 1 through 17 above as though fully set forth herein.
- 28. The Illinois Human Rights Act provides that it is the public policy of this State “[t]o secure for all individuals within Illinois the freedom from discrimination against any individual because of his or her race, color, *religion*, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, pregnancy, or unfavorable discharge from military service in connection with employment, real estate transactions, access to financial credit, and *the availability of public accommodations.*” 775 ILCS 5/1-102(A), emphasis added.
- 29. Under the Act, "unlawful discrimination" means “discrimination against a person because of his or her race, color, *religion*, national origin, ancestry, age, sex, marital status, order of protection status, disability, military status, sexual

orientation, pregnancy, or unfavorable discharge from military service as those terms are defined in this Section.” 775 ILCS 5/1-103(Q), emphasis added.

30. The Act makes it unlawful for public officials to “[d]eny or refuse to another, as a public official, the full and equal enjoyment of the accommodations, advantage, facilities or privileges of the official's office or services or of any property under the official's care because of unlawful discrimination.” 775 ILCS 5/5-102(C).
31. Under the Act, "public official" means “any officer or employee of the state or any agency thereof, including state political subdivisions, municipal corporations, park districts, forest preserve districts, educational institutions, and schools.” 775 ILCS 5/5-101(C).
32. In requiring Plaintiff to sign the form, Defendants have violated her right to freely practice her religion in this State without an undue burden, in violation of the Illinois Human Rights Act.
33. As a result of Defendants’ conduct, Plaintiff Maryjane Bicksler suffered and continues to suffer fear, anxiety, mental anguish, and emotional distress.

REQUEST FOR RELIEF

Plaintiff therefore respectfully requests that this Honorable Court enter a judgment against Defendants including, but not limited to:

- a. An injunction amending 92 Ill. Adm. Code 1030.90(b), Section 4, Religious Head Dressings;
- b. Compensatory damages in an amount to be proven at trial;
- c. Punitive damages in an amount to be proven at trial

- d. Costs and reasonable attorney's fees; and
- e. Such additional and further relief as this Honorable Court deems just and equitable.

Respectfully Submitted,

MARYJANE BICKSLER
Plaintiff

BY: /s/ Phillip J. Robertson
One of her Attorneys

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