

## Calif. Dept. of Social Services to employee: Feel free to express yourself...unless we don't like it

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ROSEVILLE, CA—A federal civil rights lawsuit filed today by the Alliance Defense Fund claims that California Department of Social Services officials unjustifiably restricted the free speech and expression rights of an employee. Officials removed various items of a "political, religious, or social nature" from the employee's cubicle walls.

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"Nothing in this employee's workspace warrants this action," said ADF Counsel Joshua Carden. "The Constitution does not allow the department to silence his free expression rights just because they don't like the viewpoint he is expressing."

ADF and local allied counsel Kevin D. Koons of the Zumbrun Law Firm filed the case, *Enoch David Lawrence v. Rita Saenz, et al.*, in the U.S. District Court for the Eastern District of California.

Although many employees at the Roseville branch of the California Department of Social Services post personal items in their workspace, superiors told Enoch Lawrence, a disability evaluation analyst who is also a 21-year military veteran, that his items violated the department's "Zero Tolerance" Policy Prohibiting Sexual Harassment and Unprofessional Conduct because they could be seen by other employees passing by his cubicle.

Among the items removed from Lawrence's cubicle walls are a bumper sticker that reads "Marriage: One Man One Woman," a small sign that says "Jesus Spoken Here," various Bible verses, and two published articles on current political issues. A supervisor informed Lawrence that refusing to allow removal of the items would be considered insubordination.

The department's policy states in part, "Each employee must exercise his or her own good judgement [sic] to avoid engaging in conduct that may be perceived by others as harassment and/or unprofessional, inappropriate behavior."

"The policy is unconstitutional. The department cannot censor Mr. Lawrence's speech because someone might 'perceive' it to be harassment," Carden said. "Furthermore, the policy provides virtually no guidelines for its enforcement. Officials have singled Mr. Lawrence out for discriminatory treatment by removing items from his cubicle that are clearly not disrupting the workplace."

Carden added, "Mr. Lawrence's religious and politically conservative viewpoint does not make him a second-class member of the department. We intend to make sure that his First and Fourteenth Amendment rights are protected."

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