

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

Yvonne Allen,	)	
	)	
Plaintiff,	)	
vs.	)	Case No:
	)	
Hon. Bill English, individually and in his	)	
official capacity as Lee County Probate	)	
Judge, and Becky Frayer, individually and	)	
in her official capacity as Chief Clerk of the	)	
Lee County Probate Judge's Office,	)	
	)	
Defendants.	)	

**VERIFIED COMPLAINT**

**INTRODUCTION**

1. Plaintiff Yvonne Allen is a devout Christian woman who covers her hair with a headscarf as part of her religious practice. In December 2015, Ms. Allen sought to renew her driver license at the Lee County driver license office, where officials demanded that she remove her head covering to be photographed. When Ms. Allen explained her religious beliefs, the County officials responded with a remarkable claim: They admitted that there was a religious accommodation available for head coverings, but contended that it applied only to Muslims. They also ridiculed Ms. Allen's sincerely held religious beliefs, with the Chief Clerk informing her that she was herself a Christian and did not cover her head. Left with no choice if she wished to renew her license, Ms. Allen – with tears in her eyes and feeling sick to her stomach over the violation of her religious beliefs – removed her head covering.

2. Lee County's custom, policy, or practice of denying non-Muslims a religious accommodation for driver license photos contradicts the actual policy of the Alabama Law Enforcement Agency ("ALEA") (formerly the Alabama Department of Public Safety), which allows a head covering for religious and medical reasons. It also violates the U.S. and Alabama Constitutions. Religious accommodations for people of faith play an important role in furthering our historic commitment to religious freedom. However, such exemptions must comply with fundamental constitutional principles. For example, a religious exemption cannot impose harm on others. An accommodation for religious headgear in driver license photos easily comports with this requirement. But Lee County's custom, policy, or practice of accommodating some religious adherents – while denying Ms. Allen the very same religious exemption – flagrantly violates another constitutional rule: The government cannot discriminate among faiths.

3. Ms. Allen is entitled to a religious accommodation allowing her to wear her headscarf for her driver license photo. Thus, through this Complaint, she seeks a declaratory judgment that Defendants' custom, practice, or policy violates the Free Exercise Clause and Establishment Clause of the First Amendment to the U.S. Constitution, the No Preference Clause of Article I, Section 3 of the Alabama Constitution, and the Alabama Religious Freedom Amendment (Amendment 622 to the Alabama Constitution, Article I, Section 3.01). Ms. Allen also seeks an injunction requiring Defendants to re-issue her license with a new picture in which her hair is covered in accordance with her religious beliefs. Finally, Ms. Allen seeks actual and

nominal damages against Defendants in their individual capacities for the violation of her clearly established rights.

### **JURISDICTION AND VENUE**

4. Plaintiff brings this action pursuant to 42 U.S.C. § 1983 for violations of civil rights under the First and Fourteenth Amendments to the United States Constitution.

5. This Court has jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1343(a)(3).

6. This Court has the authority to grant declaratory relief under 28 U.S.C. § 2201 and injunctive relief under Fed. R. Civ. P. 65.

7. This Court's supplemental jurisdiction over Ms. Allen's state law claims is proper under 28 U.S.C. § 1367 because the factual allegations supporting the state and federal claims are identical.

8. Venue is proper in the Middle District of Alabama under 28 U.S.C. § 1391(e). Defendants, as well as Ms. Allen, reside in this judicial district. All of the acts and omissions by Defendants giving rise to this action occurred in this judicial district.

### **PARTIES**

9. Plaintiff Yvonne Allen is a resident of Tuskegee, Alabama. She is a devout Christian whose religious beliefs mandate that she keep her hair covered in public.

10. Defendant Bill English is the Lee County Probate Judge. He is responsible for the administration of the Probate Court, the licensing office (including the issuance of driver licenses), and the public records office. He is sued in his official capacity for declaratory and injunctive relief and in his individual capacity for damages.

11. Defendant Becky Frayer is the Chief Clerk of the Lee County Probate Judge's Office. She is authorized to perform most of the duties and responsibilities of the probate judge, including the issuance of driver licenses. She is sued in her official capacity for declaratory and injunctive relief and in her individual capacity for damages.

### **FACTS**

12. Ms. Allen is a devout Christian woman. Wearing a headscarf is an integral part of her sincerely held Christian beliefs. Ms. Allen believes that the Bible – in particular, 1 Corinthians 11 – commands her to show her submission to God by covering her hair in public. She believes that removing her headscarf in public is disobedient to God.

13. In February 2004, the Alabama Law Enforcement Agency ("ALEA") (formerly the Alabama Department of Public Safety), instituted a policy explicitly authorizing driver license applicants to wear certain head coverings in photos for religious or medical reasons. ALEA policy states, in relevant part:

The photograph of each applicant must be a "full face" photo. A "full face" photo is one in which the applicant is facing the camera directly. The applicant should not be looking down or to either side and the face should cover approximately 50 percent of the area of the photo. Although

variations in hairstyles and head covering make it difficult to rigorously define the term “face” in general, the head of the applicant shall be shown from the top of the forehead to the bottom of the chin and from hairline side-to-side. The key requirement is that the photograph clearly identifies the applicant.

Head coverings and headgear are only acceptable *due to religious beliefs or medical conditions*, and even then, may not obscure any portion of the applicant’s face.

See Exhibit 1 – Alabama Department of Public Safety, DPS Revises Driver License Photograph Policy (2004) (emphasis added).

14. On December 29, 2015, Ms. Allen visited Defendants’ Driver License Office in Auburn. Her license had expired, and she sought to renew it. As she posed for the photo, the clerk told Ms. Allen that she would have to remove her head covering and eyeglasses in order to continue.

15. Ms. Allen informed the clerk that she does not uncover her hair. In response, the clerk asked her, “Is it for religious purposes?” Ms. Allen responded, “Yes ma’am.” The clerk then asked, “Are you Muslim?” When Ms. Allen explained that she is a Christian, the clerk told her, “No, then you need to uncover your hair. Only Muslim women have the right to cover their hair in their driver license photos.”

16. Ms. Allen’s friend who had accompanied her to the office again explained, “Ma’am she doesn’t uncover her hair ever.” But the clerk remained adamant, telling Ms. Allen: “You are not a Muslim, and Christian women don’t cover their hair.”

17. In fact, it is not uncommon for Christian women to cover their hair as a sign of devotion to God. Before the Twentieth Century most Christian women kept

their heads covered. ALICE MORSE EARLE, TWO CENTURIES OF COSTUME IN AMERICA, VOL. 2 (1620-1820) 582 (1903) (“One singular thing may be noted in this history, – that with all the vagaries of fashion, woman has never violated the Biblical law that bade her cover her head. She has never gone to church services bareheaded.”). The early church theologian Hippolytus of Rome stated that “all the women [should] have their heads covered with an opaque cloth.” HIPPOLYTUS AND EASTON, B., THE APOSTOLIC TRADITION OF HIPPOLYTUS 43 (1934). The famous protestant reformer, Martin Luther, believed women should wear a veil for public worship. LUTHER ON WOMEN: A SOURCEBOOK 31 (Susan C. Karant-Nunn and Merry E. Wiesner eds., 2003) (“the wife should put on a veil, just as a pious wife is duty-bound to help bear her husband’s accident, illness, and misfortune on account of the evil flesh.”). Only recently have some followers of Western Christianity moved away from the head covering, but it is still practiced today by many individuals who believe it is necessary to maintain faithfulness to scriptural teachings. DONALD B. KRAYBILL, CONCISE ENCYCLOPEDIA OF AMISH, BRETHREN, HUTTERITES, AND MENNONITES 103 (2010) (“Some churches in the mid-20th century had long and contentious discussions about wearing head coverings because proponents saw its decline as a serious erosion of obedience to scriptural teaching.”).

18. Regardless of how widespread the practice has been historically, or how commonly it is followed today, Ms. Allen sincerely believes that her personal Christian faith compels her to cover her hair when in public.

19. Distraught by her conversation with the clerk, Ms. Allen asked to talk to her supervisor. The clerk gave Ms. Allen Chief Clerk Becky Frayer's phone number at the Opelika office, and Ms. Allen called her. Frayer affirmed that Defendants' office offered the religious accommodation only for Muslims and that Ms. Allen was not eligible because she was a Christian. Frayer added that she herself was a Christian and does not cover her hair.

20. Ms. Allen was shocked and remained distraught. She told Frayer and her subordinate clerk that, while they were entitled to their interpretation of the Bible, she was entitled to her own and reiterated that her religious beliefs prohibit her from removing her headscarf in public.

21. Defendants' office nevertheless again demanded that Ms. Allen remove her headscarf if she wanted to renew her license, despite the fact that ALEA policy authorizes a religious accommodation, regardless of faith, and that Ms. Allen's headscarf would have permitted a "full-face" photograph as set forth in the ALEA policy. *See Exhibit 2 – photograph of Ms. Allen with a headscarf.*

22. Ms. Allen needed to have her driver license renewed. At the time she was renewing the license, she was leaving to drive to Florida for vacation. She also drives on a daily basis, taking her kids to school, going to work, running necessary household errands, and engaging in other tasks that would be virtually impossible without a car.

23. Feeling she had no other choice, Ms. Allen agreed to remove her headscarf for the photo. She felt deeply ashamed and that, by doing so, she had been

disobedient to God. Ms. Allen was further humiliated when she asked the clerk if she could at least close the door slightly so that the photo would be taken with some amount of privacy. The clerk refused. The encounter at Defendants' office caused Ms. Allen severe stress, anxiety, and anguish.

24. Defendants' policy, custom, or practice of denying religious accommodations to non-Muslims substantially burdens Ms. Allen's religious exercise.

25. Ms. Allen continues to be substantially burdened and to suffer these harms every day that she must carry a driver license that features her photo without a head covering. Because a driver license is her primary form of identification, Ms. Allen must repeatedly, in violation of her religious beliefs, reveal her uncovered head (through the license) to others, e.g., at the bank or for identification when making purchases at stores.

26. To that end, Ms. Allen has repeatedly requested that Defendants allow her to retake her photograph with her head covering as permitted by ALEA policy. Through her counsel, she sent a letter to Lee County Probate Judge Bill English and Director of Public Safety John Richardson on April 22, 2016, asking to retake the photograph and giving them ten days to respond. A true and accurate copy of the letter is attached as Exhibit 3. Through her counsel, she sent a follow-up letter on May 11, 2016, attached as Exhibit 4. Defendants did not respond to either letter.

27. On May 25, 2016, the ALEA sent a letter to Ms. Allen's counsel, attached as Exhibit 5, which reflects that in 2015, the ALEA sent information about photograph requirements to all probate/license commissioners across the State



("Head coverings are not permitted except for religious reasons ..." and setting forth the full-face requirement).

28. On May 27, 2016, Ms. Allen sent a third letter (through her counsel) to Lee County Probate Judge Bill English, attached as Exhibit 6. And on June 27, 2016, Ms. Allen's counsel sent an email regarding the matter, attached as Exhibit 7. Defendants did not respond to any of the three letters or the email. In addition, counsel for Ms. Allen called Defendant English's office twice and left voice mail messages with his phone number and requested that Judge English return the calls; neither call was returned.

29. The conduct alleged above constitutes the official policy and practice of Defendants, or is so persistent, widespread, and pervasive as to constitute an official custom regarding which Defendants have actual or constructive knowledge.

30. Unless this Court issues declaratory and injunctive relief, Ms. Allen will continue to be irreparably harmed by Defendants' refusal to treat Christian applicants the same as Muslim applicants. Ms. Allen has no adequate remedy at law.

**FIRST CAUSE OF ACTION**  
**Establishment Clause Violation (42 U.S.C. §1983)**

31. Plaintiff re-alleges and incorporates by reference the preceding paragraphs of this Complaint.

32. By Defendants' conduct alleged above, they have violated, and continue to violate, Ms. Allen's rights under the Establishment Clause of the First Amendment to the U.S. Constitution and the Fourteenth Amendment to the U.S. Constitution.

33. “The clearest command of the Establishment Clause is that one religious denomination cannot be officially preferred over another.” *Larson v. Valente*, 456 U.S. 228, 244 (1982). Where, as here, a governmental practice, policy, or custom reflects a “denominational preference,” it is automatically deemed “suspect” and its constitutionality must be adjudged under the “strict scrutiny” standard. *Id.* at 247.

34. Defendants’ policy, custom, or practice of restricting accommodations for religious headgear in driver license photos to Muslims favors adherents of Islam over adherents of non-Muslim faiths, including Ms. Allen’s Christian faith. It is not narrowly tailored to further any compelling governmental interest, and, therefore, violates Ms. Allen’s Establishment Clause rights.

**SECOND CAUSE OF ACTION**  
**Free Exercise Clause Violation (42 U.S.C. §1983)**

35. Plaintiff re-alleges and incorporates by reference paragraphs 1-30 of this Complaint.

36. By Defendants’ conduct alleged above, they have violated, and continue to violate, Ms. Allen’s rights under the Free Exercise Clause of the First Amendment to the U.S. Constitution and the Fourteenth Amendment to the U.S. Constitution.

37. Under the Free Exercise Clause, a governmental policy, custom, or practice that is not neutral and/or not of general applicability is subject to strict scrutiny and “must be justified by a compelling governmental interest, and must be narrowly tailored to advance that interest.” *Church of Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 531-32 (1991).

38. Defendants' policy, custom, or practice of prohibiting non-Muslims, including Ms. Allen, from obtaining religious accommodations for their religious headgear, is neither neutral nor generally applicable. It discriminates invidiously among religions. It is not narrowly tailored to further any compelling governmental interest, and, therefore, violates Ms. Allen's Free Exercise Clause rights.

**THIRD CAUSE OF ACTION**  
**Alabama "No Preference" Clause Violation**

39. Plaintiff re-alleges and incorporates by reference paragraphs 1-30 of this Complaint.

40. By Defendants' conduct alleged above, they have violated, and continue to violate, Ms. Allen's rights under Article I, Section 3 of the Alabama Constitution, which provides that "no preference shall be given by law to any religious sect, society, denomination, or mode of worship."

41. Defendants' policy, custom, or practice of restricting accommodations for religious headgear in driver license photos to Muslims gives preference to one religious denomination – Islam – over all others, including Ms. Allen's Christian faith.

**FOURTH CAUSE OF ACTION**  
**Alabama Religious Freedom Amendment Violation**

42. Plaintiff re-alleges and incorporates by reference paragraphs 1-30 of this Complaint.

43. By Defendants' conduct alleged above, they have violated, and continue to violate, Ms. Allen's rights under the Alabama Religious Freedom Amendment 622 to the Alabama Constitution, Article I, Section 3.01.

44. Under Section V(b) of the Amendment, "government may burden a person's freedom of religion only if it demonstrates that application of the burden to the person: (1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest." The Amendment applies to "[a]ny branch, department, agency, instrumentality, and official (or other person acting under the color of law) of the State of Alabama, any political subdivision of a state, municipality, or other local government." *Id.* Section IV(3). And it applies to "all government rules and implementations thereof, whether statutory or otherwise . . ." *Id.* Section VI(a).

45. Defendants' policy, custom, or practice of denying non-Muslims, including Ms. Allen, a religious accommodation for driver license photos featuring religious headgear substantially burdens Ms. Allen's religious exercise. She is compelled by her faith to wear her headscarf in public. The policy, custom, or practice violates her rights under the Amendment because it is not the least restrictive means of furthering any compelling governmental interest.

### **REQUEST FOR RELIEF**

WHEREFORE, Ms. Allen respectfully requests this Court to:

I. Enter a declaratory judgment that Defendants' policy, custom, or practice as alleged above violates her constitutional rights;

II. Enter an injunction requiring Defendants to allow Ms. Allen to retake her driver's license photo while wearing her headscarf and to re-issue Ms. Allen's driver's license with that picture;

III. Award monetary damages against Defendants in their individual capacities;

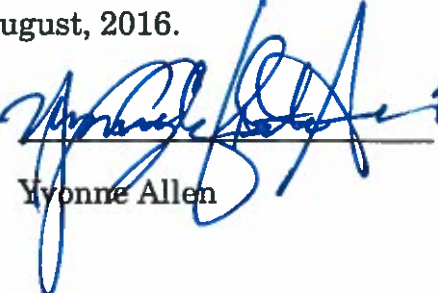
IV. Award nominal damages against Defendants in the amount of \$1 each;

V. Award costs of suit, including attorneys' fees under 42 U.S.C. § 1988;  
and

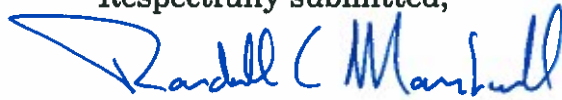
VI. Enter all further relief to which Ms. Allen may be justly entitled.

#### VERIFICATION OF FACTUAL ALLEGATIONS

I declare under penalty of perjury that the forgoing factual allegations are true and correct. Executed this <sup>27<sup>th</sup></sup>   day of August, 2016.

  
Yvonne Allen

Respectfully submitted,



Randall C. Marshall  
(ASB-3023-A56M)  
Brock Boone  
(ASB-2864-L11E)  
ACLU of Alabama Foundation  
P.O. Box 6179  
Montgomery, AL 36106-0179  
334-420-1741  
rmarshall@aclualabama.org

Daniel Mach\*  
Heather L. Weaver\*  
Program on Freedom of Religion and  
Belief  
AMERICAN CIVIL LIBERTIES  
UNION FOUNDATION  
915 15th Street, NW  
Washington, DC 20005  
202-675-2330

Lenora Lapidus\*  
Women's Rights Project  
AMERICAN CIVIL LIBERTIES  
UNION FOUNDATION  
125 Broad Street, 18th Floor  
New York, NY 10004  
212-549-2668  
Counsel for Plaintiff Yvonne Allen

\* *Pro hac vice* motion forthcoming.

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# EXHIBIT 1

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# NEWS RELEASE

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## Alabama Department of Public Safety

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### DPS REVISES DRIVER LICENSE PHOTOGRAPH POLICY

MONTGOMERY — The Department of Public Safety has revised its policy regulating photographs taken for driver license and nondriver identification cards to permit certain types of head coverings for religious or medical reasons, according to Public Safety Director Col. W.M. Coppage. The previous policy did not permit any head coverings in these photographs.

The new policy, effective Monday, Feb. 23, requires a “full-face” photograph that clearly identifies the subject. According to the policy, “Head coverings and headgear are only acceptable due to religious beliefs and medical conditions, and even then, may not obscure any portion of the applicant’s face.”

“The Department of Public Safety is sensitive to the needs and concerns of those driver license applicants who wear head coverings for religious reasons or medical conditions,” Coppage said. “Following review by Public Safety’s Legal Unit and Driver License Division, the policy was changed to allow these applicants to wear certain head coverings as long as the full-face requirement is met and a positive identification may be made.”

Coppage said this new policy would maintain the integrity of the driver license system, while respecting religious requirements and customs. The new policy is based on standards outlined in the U.S. Department of State Foreign Affairs Manual. A copy of the policy is attached.

2-20-04



*for more information contact:*

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Public Information/Education • P.O. Box 1511 • Montgomery AL 36102-1511

(334) 242-4445 • <http://www.dps.state.al.us/>



## **PROPOSED PROMULGATED RULE**

The photograph of each applicant must be a "full face" photo. A "full face" photo is one in which the applicant is facing the camera directly. The applicant should not be looking down or to either side and the face should cover approximately 50 percent of the area of the photo. Although variations in hairstyles and head covering make it difficult to rigorously define the term "face" in general, the head of the applicant shall be shown from the top of the forehead to the bottom of the chin and from hairline side-to-side. The key requirement is that the photograph clearly identifies the applicant.

Head coverings and headgear are only acceptable due to religious beliefs or medical conditions, and even then, may not obscure any portion of the applicant's face. Sunglasses or other paraphernalia, which detract from the face, as defined above are not acceptable unless required for medical reasons (e.g. an eye patch). Photographs of applicants wearing headgear not specifically religious in nature are not acceptable. A photograph shall not be taken depicting a person wearing a traditional facemask or veil that does not permit positive identification.

Medical exemptions to this policy must be documented by a signed statement from a licensed physician in Alabama clearly stating the medical condition.

At no time will an applicant be photographed when it appears that they are purposely altering their appearance in a way that would misrepresent their identity.

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# EXHIBIT 2

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# EXHIBIT 3

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April 22, 2016

Hon. Bill English  
Lee County Probate Judge  
P.O. Box 811  
Opelika, AL 36803-0811

John Richardson, Director of Public Safety  
Alabama Law Enforcement Agency  
P.O. Box 1471  
Montgomery, AL 36102-1471

**Re: driver license policy regarding head coverings for religious reasons**

**Dear Judge English and Director Richardson:**

We represent Ms. Yvonne Allen, a devout Christian woman, who because of her faith covers her hair. She does so based upon her belief in the Bible and, in particular, 1 Corinthians 11:5-6. We note that the Alabama Department of Public Safety instituted a policy in February 2004 that accommodates an applicant's religious beliefs in wearing head coverings, and we commend the Department for having done so.

However, when Ms. Allen went to renew her license in December 2015 in Lee County, she was required to remove her covering (which only covered her hair and would permit a "full-face" photograph) despite her stating that her religious beliefs compelled her to cover her hair. She was told by both the initial clerk and by Chief Clerk Becky Frayer that the policy applied to Muslims but not to Christians and that she would have to remove her head covering in order to renew her driver's license. To add insult, both of them further told Ms. Allen that they too were Christians and they did not cover their heads, calling into question Ms. Allen's sincerely held religious beliefs.

Clearly, an interpretation of the Department's head covering policy that would permit the adherent of one religion to wear a head covering while denying the adherent of another religion the right to wear a head covering violates the First Amendment to the U.S. Constitution.

We thus demand that Judge English's office work with us to schedule an appointment for Ms. Allen to return for a new photograph wearing her head covering and that a new license be issued to her without charge. We further request the Department to issue a clarification to all licensing agencies across the State that the religious accommodation applies to all religions.

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Please let us know within ten (10) days whether the Lee County Probate office will willingly accommodate Ms. Allen's religious beliefs and whether the Department will issue something to clarify this matter.

Sincerely,

A handwritten signature in black ink that reads "Randall C. Marshall". The signature is fluid and cursive, with a large initial 'R'.

Randall C. Marshall  
Legal Director  
ACLU of Alabama

Daniel Mach  
Director

Heather L. Weaver  
Senior Staff Attorney

ACLU Program on Freedom of Religion  
and Belief

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# EXHIBIT 4

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May 11, 2016

Hon. Bill English  
Lee County Probate Judge  
P.O. Box 811  
Opelika, AL 36803-0811

John Richardson, Director of Public Safety  
Alabama Law Enforcement Agency  
P.O. Box 1471  
Montgomery, AL 36102-1471

Certified Mail: 7013 3020 0002 1663 9856

Certified Mail: 7013 3020 0002 1663 9863

**Re: driver license policy regarding head coverings for religious reasons**

Dear Judge English and Director Richardson:

To date, you have not responded to our April 22, 2016, letter regarding the refusal of the Lee County office to afford a religious accommodation to Ms. Yvonne Allen, a devout Christian woman, who because of her faith covers her hair. I am enclosing a copy of that letter for your review.

Please let us know by Friday, May 20, whether the Lee County Probate office will accommodate Ms. Allen's religious beliefs and whether the Department will issue something to clarify this matter without legal action.

Sincerely,

Randall C. Marshall  
Legal Director  
ACLU of Alabama

Daniel Mach  
Director

Heather L. Weaver  
Senior Staff Attorney

ACLU Program on Freedom of Religion  
and Belief

Enclosure



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# EXHIBIT 5

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**ALABAMA LAW ENFORCEMENT AGENCY**  
201 SOUTH UNION STREET, SUITE 300 / P.O. BOX 304115 / MONTGOMERY, AL 36130-4115  
PHONE 334.517.2800 / ALEA.GOV

ROBERT BENTLEY  
GOVERNOR  
STAN STABLER  
SECRETARY

May 25, 2016

Mr. Randall C. Marshall  
Legal Director  
ACLU of Alabama  
P.O. Box 6179  
Montgomery, Alabama 36106

RE: Driver License Policy Regarding  
Head Coverings for Religious  
Reasons

Dear Mr. Marshall:

This letter is to follow up to our conversation we had last week in reference to your letters of April 22<sup>nd</sup> and May 11<sup>th</sup>, 2016.

Enclosed is the text of the information was sent out to all probate/license commissioners on May 20, 2015 in reference to the installation of new equipment and photograph requirements.

"Morphotrust has begun the installation of the new DL/ID issuing equipment in the Montgomery area. Your office may have already been contacted or will be contacted in the future concerning the installation at your office(s). With that being said, we want to remind everyone of the photograph parameters for the DL and ID cards.

Photographs are to be taken with eyes open, without glasses and no hair in or covering the eyes. Head coverings are not permitted except for religious reasons or some medical conditions, **but** must allow facial features from the top of the forehead to the bottom of the chin and both edges of the face must be clearly shown (these requirements are set by the

Mr. Randall C. Marshall  
May 25, 2016  
Page Two

vendor of the facial recognition system). There will be some growing pains with the new equipment and the facial recognition system because of photos taken with glasses. If the applicant protests to taking off their glasses please forward them to the Licensing Division 334-353-1974 or 334-353-1470."

I hope this information is helpful to you. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'MWR', with a stylized flourish extending to the right.

Michael W. Robinson  
General Counsel

MWR/ttf

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# EXHIBIT 6

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May 27, 2016  
Certified Mail: 7013 3020 0002 1663 9870

Hon. Bill English  
Lee County Probate Judge  
P.O. Box 811  
Opelika, AL 36803-0811

Re: driver license photograph policy

Dear Judge English:

Enclosed please find the Alabama Law Enforcement Agency's response to our April 22 and May 11 letters. As you can see, ALEA policy is clear that head coverings are permitted for religious reasons not limited to a particular religion.

As Ms. Allen has a sincerely held religious belief that she must cover her hair, we again ask whether your office will take a new photograph with her hair covered and issue her a new driver's license that accommodates her religious beliefs in accordance with ALEA policy without the need to file a lawsuit?

Please respond by June 7, 2016. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Randall C. Marshall". The signature is written in a cursive style with a large, sweeping initial "R".

Randall C. Marshall  
Legal Director  
ACLU of Alabama

Daniel Mach  
Director

Heather L. Weaver  
Senior Staff Attorney

ACLU Program on Freedom of Religion  
and Belief

Enclosure

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# EXHIBIT 7

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**From:** [Randall Marshall](#)  
**To:** [probatejudge@mindspring.com](mailto:probatejudge@mindspring.com)  
**Cc:** [bfrayer@leeco.us](mailto:bfrayer@leeco.us)  
**Subject:** Yvonne Allen  
**Date:** Monday, June 27, 2016 10:22:46 AM  
**Attachments:** [Yvonne Allen letter.pdf](#)

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Dear Judge English and Ms. Frayer:

Attached is the original letter I wrote regarding Ms. Allen. I would very much like to resolve this matter without litigation because it is clear that ALEA policy permits Ms. Allen to have her picture taken with her hair covered because of her religious beliefs.

Please let me know whether you will issue Ms. Allen a new driver's license with a new picture with her hair covered.

Thank you for your attention to this matter.

Randall C. Marshall, Legal Director  
American Civil Liberties Union of Alabama, Inc.  
P.O. Box 6179  
Montgomery, AL 36106-0179  
334.265.2754  
334.420.1741 (direct line)