

## DART Suspends Driver After She Refuses To Use Bus Bearing Atheist Ad

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Controversy over a bus advertisement promoting a local atheist group has found its way to the driver's seat. On Monday, the Des Moines Area Regional Transit Authority suspended bus operator Angela Shiel after she refused to drive a bus with an Iowa Atheists and Freethinkers ad on its side. Shiel, 41, said the ad's message, "Don't believe in God? You are not alone," went against her Christian faith. Earlier this month, DART removed the ads from the buses following complaints from riders. DART returned the ads to the buses after receiving new complaints, including from the American Civil Liberties Union of Iowa. The ads were put back on 20 buses in DART's fleet last week.

Shiel, a DART bus driver for four years, now could be fired because of her refusal to drive the bus. DART policy states that drivers cannot choose which buses they drive, DART General Manager Brad Miller said. "Drivers are not permitted to reject a working bus," Miller said. "It's a very fundamental policy for DART. ... It's an essential rule that we will maintain." This is in part because of a federal law that requires DART to rotate buses to different routes on a regular basis and because buses must run on time, he said.

"DART's No. 1 priority is to provide a reliable, quality, safe service," Miller said. "We may try to work with them, but if we're short on drivers, we need to get them out on a bus." Passengers on the bus Shiel was to drive had to wait about five minutes for a substitute driver to be brought out to continue her route, he said. Shiel was not available to comment. According to the American Civil Liberties Union of Iowa, DART's driver policy also helps uphold advertisers' First Amendment rights. The union recently dropped a review of DART that began when the atheist group's ads first came off the buses. "As a government agency operating a public forum, DART and all of its employees, including its drivers, are required to follow the First Amendment," said Ben Stone, executive director of the ACLU of Iowa. "Since DART managers cannot claim a religious reason to censor bus ads, neither can drivers." Stone likened the situation to a government employee claiming a religious right to refuse to work with someone of a different faith. "When you work for the government, part of your job is to respect the rights of your fellow citizens, and you cannot use your religious beliefs to evade that responsibility," he said.

Shiel's husband said DART officials knew about his wife's convictions when they hired her. "This has been her faith since the very first day on the job," Glenn Shiel said. He said that making her drive the bus would be telling her to be "two-faced for the fact that she wants an income." "To me, it's kind of wrong to deny a person of their job because they have a belief," he said. One Des Moines lawyer said DART may have violated the employee's right to have her own religious beliefs. Shiel has a right to refuse to drive if DART can reasonably accommodate a validly held religious belief, said Roxanne Conlin, a civil rights lawyer in Des Moines. For example, DART might have been able to transfer her to a different bus or let her do desk work.

Religious cases, such as this one, are complex and resist generalizations, she said. Shiel is not the only person who has refused to get on one of DART's buses bearing the atheist group's advertisement. Miller said he has heard of a handful of fairgoers who have bypassed buses with the ad and waited for another. "I would anticipate with revising our advertising policy that we will see additional advertisers that people may not agree with ... but they need to understand it's people's right," Miller said.