

FREEDOM FROM RELIGION *foundation*

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SENT VIA MAIL, FAX, AND EMAIL
(708-597-1221)
(dpeloquin@cityofblueisland.org)

The Honorable Donald Peloquin and Aldermen
City of Blue Island
13051 S. Greenwood Ave
Blue Island IL 60406

Re: Unconstitutional Catholic Church Vehicle Stickers

Dear Mayor Peloquin and Aldermen:

I am writing on behalf of concerned members of the Freedom From Religion Foundation (FFRF) from Blue Island to urge you to take immediate action to halt the requirement that City residents display vehicle stickers endorsing St. Benedict Roman Catholic Church. FFRF is a national nonprofit organization with more than 16,500 members across the country, including more than 600 members in Illinois. Our purpose is to protect the constitutional principle of separation between church and state.

The City's 2011-2012 vehicle sticker says, "St. Benedict Roman Catholic Church...150 years." We understand that city ordinances require the stickers to be displayed on vehicles and that the Blue Island Police Department will be enforcing the ordinance. The Blue Island Police website says:

*CITY VEHICLE STICKERS NEED TO BE PROPERLY AFFIXED TO
YOU'RE (sic) VEHICLE BY JUNE 30TH, 2011
(CITY ORDINANCE # 2013-A)
BEGINNING JULY 1ST, 2011
ALL VIOLATORS WILL BE CITED BY THE
BLUE ISLAND POLICE DEPARTMENT*

The City's required display of the St. Benedict sticker violates the First Amendment of the U.S. Constitution. No person can be compelled to display a message that violates her rights of conscience. In *Wooley v. Maynard*, 430 U.S. 705 (1977), the Supreme Court upheld the rights of objectors who, based on their religious beliefs, did not display a government message on their license plates. The Court explained,

We are thus faced with the question of whether the State may constitutionally require an individual to participate in the dissemination of an ideological message by displaying it

on his private property in a manner and for the express purpose that it be observed and read by the public. We hold that the State may not do so. *Id.* at 713.

[W]e are faced with a state measure which forces an individual, as part of his daily life - indeed constantly while his automobile is in public view - to be an instrument for fostering public adherence to an ideological point of view he finds unacceptable. In doing so, the State "invades the sphere of intellect and spirit which it is the purpose of the First Amendment to our Constitution to reserve from all official control." *Id.* at 715 (quoting *Board of Education v. Barnette*, 319 U.S. 624, 642 (1943)).

The City of Blue Island cannot enforce the vehicle sticker requirement. Residents have a constitutional right to object to its display.

Many residents, including nonreligious and non-Catholic citizens, may object to displaying the sticker, not wanting to celebrate the long tenure of a Catholic church. Nationwide, many disagree with the teachings of the Roman Catholic Church and disapprove of the church's activities on a variety of subjects. The City cannot make celebration and approval of St. Benedict, or any religious organization, orthodox.

Additionally, the City's sticker is an unconstitutional endorsement of religion. The stickers give the impression to observers that the City approves of and wishes to celebrate St. Benedict Roman Catholic Church. The stickers say "Blue Island" and "St. Benedict" in large lettering and depict City buildings on an official, and required, vehicle sticker. They promote one church, to the exclusion of all other beliefs and nonbelief. The stickers directly and inappropriately associate the City with the church.

Courts have struck down symbolism that unites cities with religion. In *Harris v. City of Zion, Lake County, Ill.*, 927 F.2d 1401 (7th Cir. 1991), the Seventh Circuit Court of Appeals ruled that the city seals of Zion and Rolling Meadows, which contained Christian symbols, endorsed religion in violation of the Establishment Clause. A depiction of a church and cross were among the items on the Rolling Meadows seal that the Court of Appeals struck down. Notably, the Court even made reference to the seal being displayed on vehicle tax stickers. *Id.* at 1403.

The Court explained that the Rolling Meadows depiction of Christian symbols "conveys a message of approval that is simply inconsistent with the first amendment." *Id.* at 1412. The Court said of the City of Zion:

The Establishment Clause, at the very least, "prohibits government from appearing to take a position on questions of religious belief." The resulting endorsement of religion need not be material or tangible; an implicit symbolic benefit is enough. Thus, Zion's use of its current seal, emblem, and logo must be discontinued due to their unconstitutional endorsement of Christianity. *Id.* at 1415 (citations omitted).

In Blue Island, the endorsement is even more pronounced than the use of more general Christian imagery; the City vehicle stickers name a particular denomination outright. For the next year, the stickers provide a union between St. Benedict Roman Catholic Church and the City.

Regardless of intent, the Blue Island vehicle stickers promote a Catholic church. It is insignificant that the City used stickers with symbolism of other organizations in the past. The fact that the City promoted other Catholic and Lutheran churches in the past only compounds the violation, not resolves it. Secular organizations certainly could have been honored, as there is no First Amendment problem with honoring the Blue Island Fire Department.

The sticker also implicates the Illinois Constitution, which provides, "No person shall be required to attend or support any ministry or place of worship against his consent, nor shall any preference be given by law to any religious denomination or mode of worship." Art. I, § 3.

We understand that City officials have claimed that the sticker is intended to "acknowledge" a special anniversary for St. Benedict. Can you imagine the outcry if the City "acknowledged" the opening of a Muslim mosque or the founding of an atheist group in Blue Island? Government favoritism and promotion of particular religious views, in this case Roman Catholicism, cannot be called a mere "acknowledgement." It should be obvious that the government may not show favoritism toward religion in general, one religion over another, or one church over another. *See Everson v. Board of Ed. of Ewing Tp*, 330 U.S. 1, 16 (1947).

The City must immediately suspend the sticker requirement until a new secular sticker can be issued. The City of Blue Island must respect the rights of conscience of all citizens as well as the Establishment Clause. Please inform us in writing of the actions you are taking on this matter. We look forward to a reply at your earliest convenience.

Sincerely,



Patrick C. Elliott
Staff Attorney