

# FREEDOM FROM RELIGION *foundation*

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March 29, 2011

**SENT VIA FAX & U.S. MAIL**  
**(209) 571-5586**

The Honorable Jim Ridenour  
Mayor  
City of Modesto  
1010 10<sup>th</sup> St  
Modesto CA 95354

Re: Week of Prayer for Modesto

Dear Mayor Ridenour:

I am writing on behalf of concerned Modesto residents and taxpayers, and other California members of the Freedom From Religion Foundation (“FFRF”), who again strenuously object to the your recent proclamation designating a “week of prayer.” FFRF is a national nonprofit organization working to protect the constitutional principle of separation of church and state. We represent over 16,000 members across the country, including nearly 2,500 in California.

It is our information and understanding that you, as Mayor of Modesto, have proclaimed this week, March 27<sup>th</sup>- April 1<sup>st</sup>, as a “Week of Prayer for Modesto.” The event, also dubbed “The Mayor’s Call to Prayer” is organized by a Christian organization, the City Ministries Network. We understand this organization takes on this task at your request. You issued a similar proclamation last year and on behalf of local complainants, FFRF objected to the 2010 proclamation as well. It’s our further information and understanding that as of last year, you were also a member of the organizing committee for Pray Modesto, which is part of the City Ministries Network.

As you were informed last year, it is illegal and inappropriate for you to proclaim a “Week of Prayer for Modesto.” This proclamation, which was issued on March 22, 2011, “implore[s] Almighty God, through His grace and mercy, to renew the vitality of our city’s economy, revitalize the quality of our schools, restore safety to our neighborhoods and reverse the moral decline in our communities...” It “encourage[s] ... citizens to pray for God’s blessings in this time of need.” Please find enclosed a copy of the 2011 proclamation. This proclamation and the week’s prayer observances unequivocally “communicate the message that the [City of Modesto] endorses prayer and encourages its citizens to engage in it.” *Freedom From Religion Foundation v. Obama*, 705 F.Supp.2d 1039, 1057 (W.D. Wis. 2010), *appeal docketed*, No. 134 (7th Cir. April 22, 2010). Such prayer proclamations and your participation in these activities violate the Establishment Clause of the First Amendment to the United States Constitution.

The Establishment Clause in the First Amendment to the U.S. Constitution prohibits government sponsorship of religious messages. The Supreme Court has said time and again, that the “First Amendment mandates government neutrality between religion and religion, and between religion and nonreligion.” *McCreary County, Ky. v. American Civil Liberties Union of Ky.*, 545 U.S. 844, 860 (2005); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985); *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968); *Everson v. Board of Ed. of Ewing*, 330 U.S. 1, 15-16 (1947). By issuing a proclamation calling Modesto citizens to prayer you abridge your duty to remain neutral. The proclamation and the week’s events organized by City Ministries Network send a message that you as Mayor and the City of Modesto prefer and endorse the Christian faith.

Moreover, these actions exclude and offend a significant portion of the population, which is non-Christian or non-religious. They unconstitutionally “send the ancillary message to members of the audience who are nonadherents ‘that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members of the political community.’ ” *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309-310 (2000)(quoting *Lynch v. Donnelly*).

Finally, the separation between state and church is among one of the most fundamental principles of our system of government. The United States Supreme Court has held that public officials may not seek to advance or promote religion. The Supreme Court has specifically stated, “If there is any fixed star in our constitutional constellation, it is that *no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.*” *West Virginia Board of Education v. Barnett*, 319 U.S. 624, 642 (1943)(emphasis added). Instead of issuing a proclamation exhorting citizens to engage in religious ritual, you should instead issue proclamations celebrating our freedom of conscience and the separation between state and church.

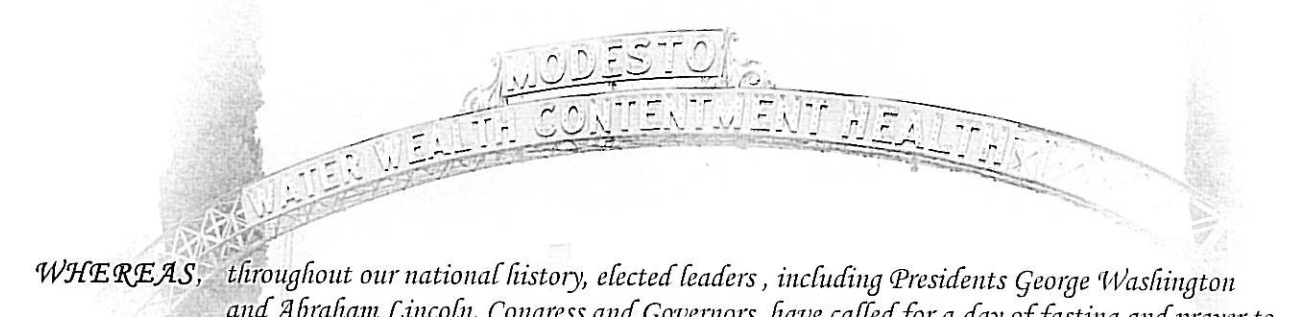
As the highest elected official in Modesto, you are charged with great responsibility and have been given significant trust by its citizens, including those citizens who may not share your religious viewpoints. We ask that you rescind the “Week of Prayer for Modesto” proclamation and refrain from issuing them in the future. Furthermore, we strongly urge you to consider your status as the highest elected official in Modesto and the importance of the constitutional principle of separation of church and state before you agree to attend any future religious functions in your community in your official capacity as mayor.

Sincerely,



Rebecca S. Markert  
Staff Attorney

Enclosure



*WHEREAS, throughout our national history, elected leaders, including Presidents George Washington and Abraham Lincoln, Congress and Governors, have called for a day of fasting and prayer to humbly ask God for His forgiveness, blessings and guidance during times of difficulty; and*

*WHEREAS, the State of California declares in its Preamble, "We, the people of the State of California, grateful to Almighty God for our freedom, in order to perpetuate its blessings..."; and*

*WHEREAS, California and the city of Modesto are facing new and prolonged challenges to our city that threaten the livelihood of our citizens and diminish the quality of life for all; and*

*WHEREAS, during this week of prayer we ask for Almighty God's favor, blessings, wisdom and guidance upon our citizens, and leaders of our city government, faith community, and businesses; and*

*WHEREAS, we resolve to implore Almighty God to aid, enrich and empower the citizens, families, schools and businesses in our city and in our nation; and*

*THEREFORE, we implore Almighty God, through His grace and mercy, to renew the vitality of our city's economy, revitalize the quality of our schools, restore safety to our neighborhoods and reverse the moral decline in our communities, and*

*NOW, THEREFORE, I, James Ridenour, Mayor of the City of Modesto, California, do hereby proclaim March 27-April 1, 2011, to be **WEEK of PRAYER FOR MODESTO** in this community and encourage our citizens to pray for God's blessings in this time of need.*

*Dated this 22nd day of March, 2011*



*JIM RIDENOUR, Mayor*