

FREEDOM FROM RELIGION *foundation*

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May 19, 2014

SENT VIA U.S. MAIL AND EMAIL TO visioniowa@iowa.gov

Cathy Reece
Chairwoman, Iowa Economic Development Authority
200 East Grand Avenue
Des Moines, Iowa 50309

Re: \$140,000 for "Christian park"

Dear Chairwoman Reece:

I am writing to you on behalf of the Freedom From Religion Foundation (FFRF), a national non-profit with more than 20,000 members, including members in Iowa. We uphold the First Amendment by keeping state and church separate.

It is our understanding that the Vision Iowa program recently agreed to grant \$140,000 to Shepherd's Garden, an effort to create a "Christian park" meant to serve as "a nontraditional entry point into the Christian religion." *See enclosed brochure.* It will feature a "Walk of Faith," a "Calvary Crosses water feature," "prayer spaces," "crosses," and "bible verses." The plans even differentiate between "public spaces" and "prayer spaces." The Calvary Crosses water feature looks to be three crosses ranging in height from perhaps 12 feet to 16 feet tall. We also understand that Vision Iowa is managed by the Iowa Economic Development Authority. Government funding of this clearly religious project violates the U.S. and Iowa Constitutions.

The Establishment Clause of the First Amendment prohibits any "sponsorship, *financial support*, and active involvement of the sovereign in religious activity." *Walz v. NY Tax Comm'n*, 397 US 664, 668 (1970); *see also, Mitchell v. Helms*, 530 U.S. 793, 819 (2000); *Bowen v. Kendrick*, 487 U.S. 589, 621 (1988); *Roemer v. Bd. Of Pub. Works*, 426 U.S. 736, 754-755 (1976); *Hunt v. McNair*, 413 U.S. 734, 743 (1973).

Specifically, the government may not fund projects for religious worship. *See Committee for Public Education v. Nyquist*, 413 U.S. 756, 777 (1973) (struck down repair grants meant to renovate parochial schools because the buildings were used for sectarian purposes); *see also Tilton v. Richardson*, 403 U.S. 672 (1971) (unanimous holding that government construction subsidies are unconstitutional if the buildings are ever used for religious activities); *Hunt v. McNair*, 413 U.S. 734 (1973) (upheld government construction bond only because the bond-financed buildings *were barred from being used for religious activities*).

Unlike renting government property or private displays on public property, direct government grants do not involve free speech considerations, only Establishment Clause concerns are an issue. *See Locke v. Davey*, 540 U.S. 712, 720 n.3 (2004) (A student argued that state scholarships that were unavailable to majors in "pastoral ministries" was "an unconstitutional viewpoint restriction on speech. But the Scholarship Program is not a forum for speech . . . cases dealing with speech forums are simply inapplicable.")

The Iowa Constitution similarly prohibits funding of religious spaces. Not only are government actions favoring religion prohibited, “nor shall any person be compelled to ... pay tithes, taxes, or other rates for building or repairing places of worship, or the maintenance of any minister, or ministry.” I.C.A. Const. Art. 1, § 3.

Nor can the government promote one religion over another or religion over nonreligion. The First Amendment “requires the state to be a neutral in its relations with groups of religious believers and non-believers.” *Everson v. Board of Ed.*, 303 U.S. 1, 18 (1947). *Texas Monthly, Inc. v. Bullock*, 489 U.S. 1, 27-28 (1997) (separate opinion concurring in judgment) (the “government may not favor religious belief over disbelief”); *Abington v. Schempp*, 374 U.S. at 305 (1963)(“The fullest realization of true religious liberty requires that government ... *effect no favoritism* among sects or *between religion and nonreligion*.”)(Goldberg, J., concurring). *Allegheny v. ACLU*, 492 U.S. at 593 (“[T]he prohibition against governmental endorsement of religion ‘*preclude[s] government from conveying or attempting to convey a message that religion or a particular religious belief is favored or preferred*’”) quoting *Wallace v. Jaffree*, 472 U.S., at 70, (O’Connor, J., concurring in judgment)(additional emphasis added).

It is a fiction that the benefits conferred by State involvement won’t reach the overtly religious aspects of the park. Courts have struck down aid to sectarian projects in this regard. See *FRRF v. Bugher*, 249 F.3d 606 (7th Cir. 2001)(Ruling that grants to religiously-affiliated schools for telecommunications access violated the Establishment Clause when the lack of restrictions allowed the money to be used for religious purposes); See also, *Wirtz v. City of South Bend*, 813 F.Supp. 2d 1051, 1068 (N.D. Ind. 2011) (“The objective, well-informed, reasonable observer would see no delineation between supporting the high school’s building project and supporting the religious school itself.”).

The government must maintain “neutrality between religion and religion, and between religion and nonreligion.” *McCreary County v. ACLU of Ky.*, 545 U.S. 844, 860 (2005). Funding a “Christian park” violates this principle, especially when the park is so explicitly Christian and so clearly meant to convert people to Christianity. Shepherd’s Garden cannot claim that the park is a public green space and that, therefore, the grant is valid. Indeed, such claim is specious and refuted by the Shepherd’s Garden promotional material.

The park is a religious space, not secular

The brochure makes it quite clear that this is not a park, it is a “Christian Park.” This is not a permanent green space, but “a permanent Christian green space.” “The Shepherd’s Garden is more than a park, it has been conceived and designed to be a visible reminder that God’s presence is not confined to sacred institutions and buildings, but is very much a part of the public sphere.” It is meant to put Christianity in people’s faces. It is not a place for rest and reflection, it’s “a place for spiritual respite and reflection.” This is not a place for displays, it is “a location for various outdoor events & Christian displays.”

In the brochure section “Why a Christian Park[?]” the brochure lists four reasons:

- Concern over the retreat of Christianity from the public square to the periphery of society
- Rise of secular influence in our culture
- Concern over decline of Judeo-Christian values
- Promotes visible reminders of Christian values and symbols

This clearly and explicitly states that the goal is to promote Christianity, Judeo-Christian values, and combat the rise of secular influence in our culture. As noted and cited above, the government cannot endorse one religion over another or religion over nonreligion. The government can have no part of this project.

The park is meant to be proselytizing

Moreover, the space is clearly meant to convert people to Christianity, it is “a nontraditional entry point into the Christian religion.”

The very purpose of the park — “The Shepherd’s Garden will be a space that pays particular attention to the promise of new life in Jesus Christ that is available to all” — is the central tenet of evangelical Christianity, that when you accept Jesus as your savior, you are “born again.” See 2 Corinthians 5:17 “This means that anyone who belongs to Christ has become a new person. The old life is gone; a new life has begun!” New Living Translation.

James Madison wrote his *Memorial and Remonstrance Against Religious Assessments* (1785) in response to a bill providing funding for “teachers of the Christian Religion.” Madison eloquently listed the reasons why “three pence” of government support for Christianity is a violation of our rights, foremost among them the fact that *the government lacks the power to legitimately support religion*. So too, Vision Iowa and the Iowa Economic Development Authority are without power to make this grant.

It is difficult to understand how this grant could have been approved. The “join us” section of the brochure — the plea for money — actually quotes the King James bible, Psalm 23 “The Lord is my shepherd, I shall not want....” (An odd passage to quote given that Shepherd’s Garden was asking for money, so it was, by definition, wanting.) Crosses decorate the brochure and park. This is openly about space to promote Christianity, not a public space.

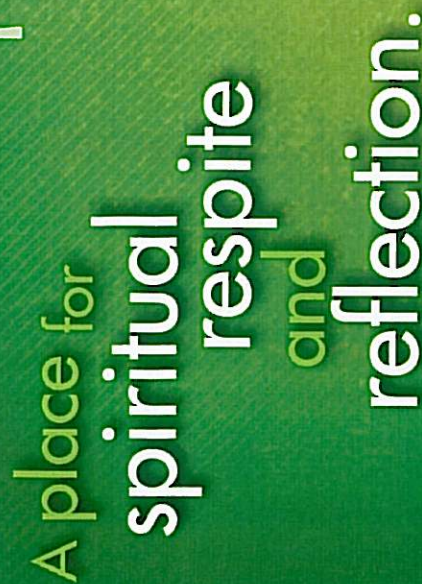
Shepherd’s Garden is of course free to construct their Christian green space, but the government cannot support it. This is one of the most egregious grants for a religious purpose FFRF has encountered. Vision Iowa and the Iowa Economic Development Authority must rescind the grant to comply with the Constitution. May we hear from you, in writing, that this grant has been cancelled?

Sincerely,



Andrew L. Seidel
Staff Attorney
Freedom From Religion Foundation

Cc: Mary Mosiman, CPA Mary.Mosiman@auditor.state.ia.us



With your support we will make this project a reality and create a lasting legacy to the ongoing role the Christian faith has had in shaping the life of this community.

The vision and lasting presence for the Shepherd's Garden in Downtown Sioux City is guided by the familiar words of the 23rd Psalm:

He maketh me to lie down in green pastures; he
leadeth me beside still waters.

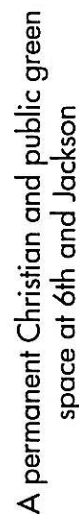
He restoreth my soul; he leadeth me in the paths of righteousness for his name's sake.

God's Presence

The Shepherd's Garden is more than a park, it has been conceived and designed to be a visible reminder that God's presence is not confined to sacred institutions and buildings, but is very much a part of the public sphere.

The Shepherd's Garden will be a space that pays particular attention to the promise of new life in Jesus Christ that is available to all.

Thank You!



SITCHARD'S GARDEN

MASTER PLAN

6th and Jackson Streets, Sioux City, IA
 Prepared by M. J. Baker (Owner), David J. Matheson, B. S., Landscape Architect
 October 27, 2011

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The Mission

Facilitate and encourage spiritual respite and reflection by developing a permanent Christian green space for the community of Sioux City.

Why a Christian Park

- Concern over the retreat of Christianity from the public square to the periphery of society
- Rise of secular influence in our culture
- Concern over decline of Judeo-Christian values
- Promotes visible reminders of Christian values and symbols

The Benefits

- Beautification of the property
- Compliments recent study to increase Downtown green space and revitalization
- A place where patients and families can go to get away from the hospital setting during recovery from illness or surgery
- An area for reflection and contemplation in Downtown Sioux City
- A location for various outdoor events & Christian displays
- A non-traditional entry point into the Christian religion
- A peaceful area to be used by the public where they can sit on benches, walk the gardens, enjoy the water features and be empowered by the Christian setting around them

Beyond Spiritual

Individuals who spend time in settings like this show:

- Improved attention and cognitive performance
- Higher levels of happiness and lowered levels of anger and aggressive behavior
- Lower blood pressure and reduced stress
- Decreases in depression

Building up the Community

- Revitalize the area to enhance the quality of Downtown
- An increase in neighborhood ties and residents' sense of safety
- A greater sense of community and social cohesion
- Positive economic outcomes for business, developers and local governments
- Fewer incidents of criminal behavior

Current View



Looking North on
6th Street & Jackson



Looking East toward
Mercy Medical Center



Looking West on
6th Street & Jackson

Project Cost

Phase I

\$150,000 Architectural Planning and Property Acquisition

Phase II

\$100,000 Endowment for Maintenance
\$150,000 Demolition and Site Preparation
\$350,000 Building Costs

\$600,000 Total Cost of Phase II

Phase III

\$60,000 Community Garden

Levels of Giving

\$100,000 Waterfall Feature & Shadowbox Wall

\$75,000 "Walk of Faith" Walkway, Green Pasture, Central Grass Area, Garden Overlook

\$50,000 Calvary Crosses Water Feature

\$25,000 Prayer Spaces

\$10,000 Benches

\$5,000 Crosses

\$2,500 Walkway Stones with Bible Verse

\$1,000 Landscaping and Building Costs
or less

Mail Donations to:

Shepherd's Garden
608 Nebraska Street
Sioux City, IA 51101

Shepherd's Garden Foundation is a 501 c3 non-profit corporation

SHEPHERD'S GARDEN
MASTER PLAN
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