

# FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

November 9, 2017

**SENT VIA EMAIL AND U.S. MAIL:**  
**sbrown@exploreasheville.com**

Stephanie Pace-Brown  
President & CEO  
Buncombe County Tourism Devt. Auth.  
27 College Place  
Asheville, NC 28801

Re: Grant for religious project and **Open Records Request**

Dear Ms. Pace-Brown:

I am writing on behalf of the Freedom From Religion Foundation to alert you to serious constitutional concerns regarding a recently awarded grant. FFRF is a national nonprofit organization with more than 29,000 members across the country, including more than 600 in North Carolina and members within Buncombe County. FFRF's purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

It is our understanding that the Buncombe County Tourism Development Authority (TDA) recently awarded Haywood Street Congregation \$72,500 for, according to local media, "an innovative project, to artfully portray [the church's] mission and ministry through a large scale work of art in the medium of fresco."<sup>1</sup> We understand that this project would be on the interior of the church, in the church's sanctuary, and would depict a specifically Christian religious scene of the "eight beatitudes" of Jesus, delivered during the Sermon on the Mount in the New Testament, Matthew 5:3–12.

The church's pastor explained that the project would directly promote the church's religious mission: "**what it will do more than anything is theologize our deepest belief here**, and that is that God blesses those who suffer the most."<sup>2</sup> He also explained that the project would be "a timeless witness, both visually and spiritually, to the Gospel . . ."<sup>3</sup> The same article

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<sup>1</sup> Adriana Mendez, *Haywood Street Congregation awarded \$72,500 grant for fresco*, ABC NEWS 13 WLOS (Nov. 1, 2017), available at [wlos.com/news/local/haywood-street-congregation-awarded-72500-grant](http://wlos.com/news/local/haywood-street-congregation-awarded-72500-grant).

<sup>2</sup> *Id.* (emphasis added).

<sup>3</sup> *Id.*

quoted you as saying that the project “will help bring visitors to Asheville, and to the church, to truly build community with tourism.”<sup>4</sup>

It is unconstitutional for the TDA to fund a religious mural, inside a church’s sanctuary. We understand that the TDA believes this project will boost tourism in the county, but this purported secular goal does not excuse the fact that the government is funding a religious project inside a house of worship.

The Establishment Clause of the First Amendment prohibits the government from financially supporting churches. *See, e.g., Comm. For Pub. Educ. & Religious Liberty v. Nyquist*, 413 U.S. 756, 778–79 (1973) (striking down government-subsidized maintenance and repair of nonpublic schools); *Lemon v. Kurtzman*, 403 U.S. 602, 625 (1971) (holding that government aid to nonpublic education impermissibly entangled the government with religion, even when limited to secular subjects); *Wirtz v. City of S. Bend*, 813 F.Supp.2d 1051, 1068 (N.D. Ind., 2011) (holding that a grant to a private religious school was unconstitutional). Buncombe County may not award grants to churches in order to decorate their sanctuaries with religious imagery. It is no justification at all that the County hopes to attract visitors into the church to view this religious artwork—in fact, that is precisely the problem.

As you stated to local media, the County’s goal is to encourage people to enter this particular church’s sanctuary in order to view this religious artwork, which the church described as “a timeless witness, both visually and spiritually, to the Gospel.” This project plainly promotes the church’s religious mission and any reasonable observer would understand the city’s contribution of more than \$72,000 as an endorsement of this church and the religious message portrayed in the project. The U.S. Constitution prohibits such endorsement regardless of whether the project attracts tourists into the church that in turn may generate revenue for the County.

The Buncombe County Tourism Development Authority must immediately rescind its grant to Haywood Street Congregation. We also request written assurances that the TDA will not fund religious projects in the future so that we may notify our local complainant that this matter has been resolved. Also please ensure that the Request for Public Records below is processed as soon as possible. Thank you for your time and attention to this important matter.

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<sup>4</sup> *Id.* (emphasis added).

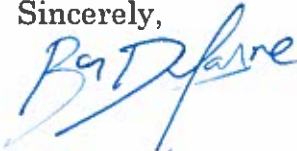
## Request for Public Records

Pursuant to the North Carolina Open Records Act, N.C.G.S. § 132, I request copies of the following:

1. All contracts or other agreements between Buncombe County or the Buncombe County Tourism Development Authority ("TDA") and Haywood Street Congregation or any of its representatives;
2. All correspondence, including email, between any representative of the TDA and any representative of Haywood Street Congregation since January 1, 2016; and
3. All other records relating to the request or approval of a Tourism Project Development Fund grant to Haywood Street Congregation.

If your office does not maintain these public records, please forward this request and let me know the proper custodians of these records. If these records are available in electronic format (preferred), they may be emailed to [ryan@ffrf.org](mailto:ryan@ffrf.org). Thank you in advance for your time and attention to this matter.

Sincerely,



Ryan D. Jayne  
Staff Attorney