

FREEDOM FROM RELIGION *foundation*

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May 19, 2017

**SENT VIA FAX & U.S. MAIL
(505) 285-4508**

Ms. Dorie Sandoval
Director
Cibola Senior Citizens Center
600 W Santa Fe Ave
Grants, NM 87020

Re: Unconstitutional Prayer at Senior Center

Dear Ms. Sandoval:

I am writing on behalf of the Freedom From Religion Foundation regarding a constitutional violation occurring at the Cibola Senior Citizens Center. We were contacted by a concerned member of the Center. FFRF is a national nonprofit organization with 29,000 members across the country, including members in New Mexico and an Albuquerque chapter. Our purpose is to protect the constitutional principle of separation between state and church.

It is our understanding that CSCC, an institution that receives most of its support from state and federal funding, instructs its members to pray before receiving meals. While CSCC does not directly force compliance with this practice, members of the staff actively single out those who do not comply, fostering an environment of hostility toward those individuals.

Federal regulations prohibit senior centers receiving federal funding to engage in religious activities at government-sponsored functions such as senior lunches. Centers like Cibola typically receive some funding from the federal government in the form of Social Services Block Grants (SSBGs) via the Social Security Act, administered by the Department of Health and Human Services. The Code of Federal Regulations is explicit and unequivocal in its prohibition on religious activities as part of any program funded through the Department of Health and Human Services. 45 C.F.R. § 87.2(c) states:

Organizations that receive direct financial assistance from the Department [of Health and Human Services] may not engage in inherently religious activities, such as worship, religious instruction, or proselytization, as part of the programs or services funded with direct financial assistance from the Department. If an organization conducts such activities, the activities must be offered separately, in time or location, from the programs or services funded with direct financial assistance from the Department, and participation must be voluntary for beneficiaries of the programs or services funded with such assistance.

Additionally, the regulations clearly proscribe any discrimination on the basis of religious belief. 45 C.F.R. § 87.2(e) provides:

An organization that participates in programs funded by direct financial assistance from the Department shall not, in providing services, discriminate against a program beneficiary or

prospective program beneficiary on the basis of religion or religious belief.

It is our understanding and information that CSCC receives much of its budget from federal, state, and county funds. Given that this agency receives public funding, the center must adhere to the federal regulations specified above. That means that the center cannot engage in “inherently religious activities, such as worship, religious instruction, or proselytization.” Prayer is an inherently religious activity. Therefore, allowing, promoting, or encouraging prayer at these government-subsidized activities places your agency in direct violation of the federal mandate.

It is inappropriate for government employees to lead others in prayer or encourage others to engage in prayer in any way. It is even more inappropriate for government employees to coerce or compel such prayer. Government employees, acting in their official capacities as public servants, cannot actively endorse, prefer, or promote religion. Government employees should refrain from actively participating in religious activities while acting within their governmental role to avoid any perception of government endorsement of religion and/or excessive entanglement with religion. *See Milwaukee Deputy Sheriff's Ass'n v. Clarke*, 588 F.3d 523, 525-26 (7th Cir. 2009) (holding sheriff's religious speech, bible readings, and Christian literature distributions during mandatory employee meetings unconstitutional); *Warnock v. Archer*, 380 F.3d 1076, 1080 (8th Cir. 2004) (“The Constitution, however, forbids [the government] from conveying the message that it decisively endorses a particular religious position.”); *Culbertson v. Oakridge Sch. Dist.*, 258 F.3d 1061 (10th Cir. 2001) (holding a school district policy allowing teachers to distribute religious literature violated the Establishment Clause because it creates an impression of school endorsement of religion);

Not only does permitting public prayer at these meals cause concern that the government is endorsing religion, it also violates our citizens' rights to be free from religious proselytizing. “At a minimum, the Constitution guarantees that government may not coerce anyone to support or participate in religion or its exercise.” *Lee v. Weisman*, 505 U.S. 577, 587 (1992). The Center's support of public prayer during these meals ignores the rights of other seniors who may not wish to participate in the religious activities because they disagree with a particular faith publicly exercised, who may prefer to be private in their worship, or who do not believe at all. Certainly, we can agree that it is disrespectful and inappropriate for this center to serve as a forum for some seniors to impose their religious beliefs on others in attendance. It is even more troubling that the Center further coerces participation in these unconstitutional practices. Coercion by singling out non-participants and denying protection through non-enforcement of rules of conduct is tantamount to compulsion.

For all of the foregoing reasons, we respectfully request that Cibola Senior Citizens Center immediately discontinue the practice of prayer at government-subsidized functions. Citizens, of course, remain free to pray on their own. We further request that you promptly inform us in writing of the steps you are taking to remedy this matter.

Sincerely,



Andrew Seidel
Staff Attorney

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