

# FREEDOM FROM RELIGION *foundation*

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May 6, 2016

**SENT VIA EMAIL AND U.S. MAIL:**  
**cityadministrator@kenosha.org**

Mr. Frank Pacetti  
City Administrator  
625 52nd Street  
Room 300  
Kenosha, Wisconsin 53140

Re: Unconstitutional grant for religious event

Dear Mr. Pacetti:

I am writing on behalf of the Freedom From Religion Foundation to alert you to an unconstitutional grant awarded by the City of Kenosha. FFRF is a Madison-based national nonprofit organization that works to protect the constitutional principle of separation between state and church. FFRF has more than 23,000 members across the country, with more than 1,300 in Wisconsin.

A concerned local taxpayer informed us that the City of Kenosha's Mayor's Youth Commission recently voted 5-2 to award \$500 to St. Mark the Evangelist Catholic Church to be used toward an Easter retreat for two of the church's religious youth groups, "God 1st" and "J-Walkers."

We write to request that this grant be immediately rescinded, and for assurances that the city will not award similar grants in the future. It is unconstitutional for the City of Kenosha to fund religious events. It does not appear that the church has given any assurances that this Easter retreat will be completely secular. And we doubt that the government could ever legally fund any Easter retreat put on by a church for its religious youth groups.

The Establishment Clause of the First Amendment prohibits the government from financially supporting religious activities. *See, e.g., Comm. For Pub. Educ. And 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); *Freedom From Religion Foundation v.*

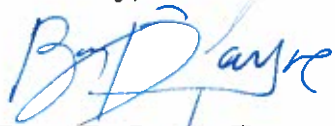
*Bugher*, 249 F.3d 606, 612 (7th Cir. 2001) (“states may not make unrestricted cash payments directly to religious institutions.”). The City of Kenosha may not fund a church’s religious activities, including Easter youth retreats.

Nor can the government promote one religion over another, or religion over nonreligion. The First Amendment “requires the state to be neutral in its relations with groups of religious believers and non-believers.” *Everson v. Bd. of Educ.*, 303 U.S. 1, 18 (1947); *see also Tex. 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”); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203, 305 (1963) (Goldberg, J., concurring) (“The fullest realization of true religious liberty requires the government . . . effect no favoritism among sects or between religion and nonreligion.”); *Cnty. of Allegheny v. ACLU*, 492 U.S. 573, 593 (1989) (“[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. 38, 70 (1985) (O’Connor, J., concurring in judgment)) (emphasis in original).

Taxpayer funds should never be used to fund activities that will advance religion. Once the government enters into the religion business, conferring endorsement and preference for one religion over others, it strikes a blow at religious liberty, forcing taxpayers of all faiths and of no religion to support a particular expression of worship. To avoid this problem in the future, the City of Kenosha should not provide grants for any religious activities.

We request a written response detailing the steps taken to remedy this constitutional violation so that we may notify our local complainant. Thank you in advance for your attention to this important matter.

Sincerely,



Ryan D. Jayne, Esq.  
Diane Uhl Legal Fellow  
Freedom From Religion Foundation