

FREEDOM FROM RELIGION *foundation*

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

February 25, 2016

SENT VIA EMAIL AND U.S. MAIL: buddy.dyer@cityoforlando.net

The Honorable Buddy Dyer
Mayor of Orlando
P.O. Box 4990
Orlando, FL 32802

Re: Religious promotion at The Oath of Office Ceremony

Dear Mayor Dyer:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to alert you to a constitutional violation that occurred during the Oath of Office Ceremony for the City of Orlando. FFRF is a national nonprofit organization with more than 23,000 members across the country, including nearly 1,200 members in Florida. Our purpose is to protect the constitutional principle of separation between state and church.

It is our understanding that on January 11, the City of Orlando held an Oath of Office Ceremony for yourself and three city commissioners. We understand that this event was open to the public and residents of Orlando were actively invited to attend. We also understand that a Christian invocation and a Christian benediction were included as part of this official City of Orlando ceremony. The invocation began, "Our heavenly father, God of Abraham, Isaac and Jacob," and ends, "In Christ's name, shalom and amen."¹ The benediction quotes from the Bible and ends, "To him be the glory and the church and in Christ, Jesus through all generations forever and ever, shalom and amen."²

The City of Orlando is constitutionally required to remain neutral on matters of religion. We write to request assurances that future events organized or sponsored by the City will be free from religious rituals, including prayer, and will not otherwise endorse religion. Calling upon citizens to pray is coercive and beyond the authority of a secular government. Citizens should not be made to feel offended, excluded, or like political outsiders because a City, supported with their taxes, imposes religious rituals on them.

The Supreme Court has said time and again that "[t]he touchstone for our analysis is the principle that the 'First Amendment mandates governmental neutrality between religion and religion, and between religion and nonreligion.'" *McCreary Cnty., Ky. v. Am. Civil Liberties Union of Ky.*, 545 U.S. 844, 860 (2005) (quoting *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968)); *Everson v. Bd. of Educ. of Ewing*, 330 U.S. 1, 15–16 (1947); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985). Moreover, "the preservation and transmission

¹ <https://youtu.be/dq0gUJh8Jqs?t=8m>

² <https://youtu.be/dq0gUJh8Jqs?t=41m>

of religious beliefs and worship is a responsibility and a choice committed to the private sphere.” *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 310 (2000) (quoting *Lee v. Weisman*, 505 U.S. 577, 589 (1992)). By imposing prayer on members of the public, the City violated these constitutional limits on government religious endorsement.

The City’s inclusion of prayer in the Oath of Office Ceremony gives the impression that the City supports and endorses religion over nonreligion. This sends the 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*, 530 U.S. at 309–10 (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O’Connor, J., concurring)). The appearance of government endorsement is only strengthened when a prominent former city employee delivers the prayer.

Furthermore, it is important to note that the U.S. Supreme Court’s decision in *Town of Greece v. Galloway*, permitting sectarian prayers at legislative sessions under specific circumstances, does not apply to government ceremonies. *See Galloway*, 134 S.Ct. 1811, 1819 (2014). The prayer at the Oath of Office Ceremony was directed at all participants, was delivered by a former government representative, and was not part of a legislative session.

The City of Orlando must ensure that its events remain neutral toward religion. We request assurances that future city events will not include prayer, scheduled or otherwise, and will not otherwise endorse religion. Please inform us in writing of the steps you are taking to ensure this serious constitutional violation does not recur.

Sincerely,

A handwritten signature in blue ink, appearing to read "A. Siedel".

Andrew L. Siedel
Staff Attorney

ALS:cal