

# FREEDOM FROM RELIGION *foundation*

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

May 23, 2017

**SENT VIA EMAIL AND U.S. MAIL:**  
**wayne.bolla@claycountygov.com**

Wayne Bolla  
Chairman  
Clay County BCC  
P.O. Box 1366  
Green Cove Springs, FL 32043

Re: Commissioner-led invocations at BCC meetings

Dear Chairman Bolla and Commissioners:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding unconstitutional government-sponsored prayers occurring at Clay County Board of County Commissioners (BCC) meetings. FFRF is a national nonprofit organization with more than 29,000 members across the country, including more than 1,400 members in Florida and a state chapter, Central Florida Freethought Community. FFRF's purpose is to protect the constitutional principle of separation between state and church.

A concerned local resident contacted us to report that the BCC opens its meetings with commissioner-led prayers. These prayers are specifically Christian, including language such as "in the name of Jesus," "dear Heavenly Father," etc. Commissioners ask residents to participate in these sectarian prayers by bowing their heads or joining hands.

In the four most recent BCC meetings:

- On May 9, Commissioner Cella said, "please bow your heads," followed by a prayer to "Heavenly Father."
- On April 25, Commissioner Hendry said, "please join me as we pray," followed by a prayer "in your son's name."
- On April 11, Commissioner Rollins said, "let's pray," followed by a prayer to "Heavenly Father" and "in Jesus' name."
- On March 28, Commissioner Cella said, "You'll all rise, please, and bow your heads," followed by a prayer beginning with "dear Lord."

Prayer at government meetings is unnecessary, inappropriate, and divisive. The best solution is to discontinue invocations altogether. BCC members are free to pray privately or to worship on their own time in their own way. They do not need to worship on taxpayers' time. The BCC ought not to lend its power and prestige to religion by scheduling, hosting, or conducting governmental prayers. Citizens, including Clay County's nonreligious citizens, are compelled to come before you on

important civic matters, to seek licenses and permits and to participate in important decisions affecting their livelihoods, property, children, and quality of life.

The prayers exclude the 23% of Americans who are not religious.<sup>1</sup> It is coercive, embarrassing, and intimidating for nonreligious citizens to be required to make a public showing of their nonbelief (by not rising or praying) or else to display deference or obeisance toward a religious sentiment in which they do not believe, but which their county commissioners clearly do. This “sponsorship of a religious message is impermissible because it sends the ancillary message to . . . 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 Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309–10 (2000) (quoting *Lynch v. Donnelly*, 465 U.S. at 668 (O’Connor, J., concurring)).

Local government officials should not be in the business of writing and offering prayers themselves. As you may be aware, in 2014 the U.S. Supreme Court decided *Town of Greece, N.Y. v. Galloway*. 134 S. Ct. 1811. This case did not address situations in which government officials themselves lead the prayers. The Court in *Galloway* only approved opening a neutral forum for others, including non-Christians and atheists, to give invocations. The Court specifically stated, “our Government is prohibited from prescribing prayers to be recited in our public institutions . . . .” *Id.* at 1822 (citing *Engel v. Vitale*, 370 U.S. 421, 430 (1962)).

It is inappropriate and coercive for BCC members to direct meeting attendees to rise or otherwise show deference to the invocations. The Supreme Court specified in *Galloway* that its “analysis would be different if town board members directed the public to participate in the prayers . . . . Although board members themselves stood, bowed their heads, or made the sign of the cross during the prayer, they at no point solicited similar gestures by the public.” *Id.* at 1826.

America was founded in part by refugees seeking freedom from government dictation of religion. The Framers who adopted our entirely secular constitution knew that religious liberty does not exist without the freedom to dissent. Our nation is founded on a godless constitution, whose only references to religion in government are exclusionary, such as “no religious test shall ever be required” for public office. U.S. Const. art. VI. The United States was the first nation to adopt a secular constitution, investing sovereignty in “We the People,” not a divine entity. The framers of our constitution did not find it necessary to pray during the four-month Constitutional Convention. We fail to see why it is necessary, then, for the BCC to pray over liquor licenses, sewers, or variances.

James Madison, the primary architect of the U.S. Constitution and Bill of Rights, and our fourth president, opposed government prayers and congressional chaplaincies. In his *Detached Memoranda*, Madison wrote, “Is the appointment of Chaplains to the two Houses of Congress consistent with the Constitution, and with the pure principle of religious freedom? In strictness the answer on both points must

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<sup>1</sup> *America’s Changing Religious Landscape*, PEW RESEARCH CENTER (May 12, 2015), available at [www.pewforum.org/2015/05/12/americas-changing-religious-landscape/](http://www.pewforum.org/2015/05/12/americas-changing-religious-landscape/).

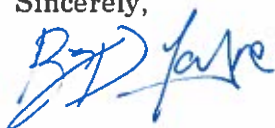
be in the negative. The Constitution of the U. S. forbids everything like an establishment of a national religion . . . The establishment of the chaplainship to Congress is a palpable violation of equal rights, as well as of Constitutional principles." Madison was equally critical of presidential and governmental prayer:

Religious proclamations by the Executive recommending thanksgivings & fasts are shoots from the same root . . . Although recommendations only, they imply a religious agency, making no part of the trust delegated to political rulers. . . . An *advisory* Government is a contradiction in terms. The members of a Government as such can in no sense, be regarded as possessing an advisory trust from their Constituents in their religious capacities. In their individual capacities, as distinct from their official station, they might unite in recommendations of any sort whatever, in the same manner as any other individuals might do. *Id.*

Observing a strict separation of church and state offends nobody, includes everybody, and honors not only the First Amendment, but also the very tenets being professed during the BCC's prayers. Christians who know their bible are familiar with the biblical injunction of Jesus in the Sermon on the Mount, condemning public prayer as hypocrisy. "And when thou prayest, thou shalt not be as the hypocrites are: for they love to pray standing in the synagogues and in the corners of the streets, that they may be seen of men. Verily I say unto you, They have their reward. But thou, when thou prayest, enter into thy closet, and when thou hast shut the door, pray to thy Father which is in secret; and thy Father which seeth in secret shall reward thee openly." Matthew 6:5-6.

In order to demonstrate the BCC's respect for the diverse range of religious and nonreligious citizens living in Clay County, we urge you to concentrate on civil matters and leave religion to the private conscience of each individual by ending the practice of hosting prayers at your meetings. Please respond in writing with assurances that this constitutional violation will not recur so that we may notify our complainant.

Sincerely,



Ryan D. Jayne, Esq.  
*Elaine & Eric Stone Legal Fellow*  
*Freedom From Religion Foundation*

cc: Mike Cella, via [mike.cella@claycountygov.com](mailto:mike.cella@claycountygov.com)  
Diane Hutchings, via [diane.hutchings@claycountygov.com](mailto:diane.hutchings@claycountygov.com)  
Gavin Rollins, via [gavin.rollins@claycountygov.com](mailto:gavin.rollins@claycountygov.com)  
Gayward Hendry, via [gayward.hendry@claycountygov.com](mailto:gayward.hendry@claycountygov.com)