

FREEDOM
FROM RELIGION
foundation



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SENT VIA EMAIL AND U.S. MAIL:
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Ms. Rebecca Kapusta, Esq.
FL Dept. of Children and Families
Office of the General Counsel
1317 Winewood Blvd.
Building 2, Rm. 204
Tallahassee, FL 32399

Re: Florida Faith Symposium

Dear Ms. Kapusta:

We are writing on behalf of the Freedom From Religion Foundation (FFRF), a national nonprofit dedicated to upholding the constitutional separation between state and church, and the American Civil Liberties Union (ACLU) of Florida.

We have received multiple complaints about the annual Florida Faith Symposium, an event co-sponsored by the Florida Department of Children and Families (DCF). Records of this government event in past years reveal many individual instances, and a clear overall trend, of religious promotion, both in the event itself and by state actors speaking at the event.

The Faith Symposium includes invocations, speeches, workshops, and other programming that promote religion in general, and Christianity in particular. Substantial changes would be required to bring future events into compliance with the U.S. Constitution and the Florida State Constitution. The simplest solution would be to cancel the Faith Symposium and replace it with a secular alternative.

Invocations

The 2016 event included at least two invocations per day. Many of these prayers were not only religious, but were also sectarian, invoking the Christian god specifically. For example:

- **Jonathan Evans, Dallas Cowboys Chaplain:** "I am humbled to have the opportunity to share for a few moments. Let's do this right and start with a word of prayer and then we will jump in. . . . Heavenly father thank you for this time. Thank you for Florida faith, because we know a program without faith may be external changes without internal transformation, so we thank

you for the connection that is being made today and we offer up our time to you, and we give you the glory in Jesus' name, amen.”

- **Pastor Paula White-Cain:** “I got my hands on that bible. And for two years I just dug into it, and I held up and said ‘who are you?’, ‘who am I?’, and ‘what is life all about?’ . . . So if I were to take you to two texts today one is going to be John 4, and one is going to be Numbers 16.”
- **Father Paul J. Henry:** “In the awareness of all of us gathering here today, at this symposium of faith, where all of us believe that God is here with us, that God is present to us. So we are here to be happy, to rejoice, and to recognize we are His instruments. So thank you for inviting me. I was asked to say a short reflection and morning prayer. . . . God chose to reveal himself in Jesus, in this place and to us, and God sent his son for us, to give us life and hope and the promise of life that is forever . . . We are reminded on this day, as the sun rises, that on such a day as this your son rose from the tomb. . . . Lord Jesus, you are the pattern of our life and we praise you, and we thank you today and forever and ever, amen.”

Invocations were also delivered by several state employees, including Heather Cox Rosenberg, DCF’s Children’s Ombudsman and Marcus Smith, the Dept. of Juvenile Justice Office of Prevention’s Bureau Chief.

The Establishment Clause in the First Amendment to the U.S. Constitution, and the analogous provision in the Florida State Constitution, prohibits government sponsorship of religious messages. The Supreme Court has said time and again that the “First Amendment mandates government 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); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985); *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968); *Everson v. Bd. of Educ. of Ewing*, 330 U.S. 1, 15–16 (1947). Scheduling Christian prayers during this event sends the message that the government agencies organizing and sponsoring the event prefer and endorse religion over nonreligion, and Christianity over minority faiths.

Government officials can worship, pray, and participate in religious events in their personal capacities. But, “Our Government is prohibited from prescribing prayers to be recited in our public institutions.” *Town of Greece v. Galloway*, 134 S. Ct. 1811, 1822 (2014) (citing *Engel v. Vitale*, 370 U.S. 421, 430 (1962)). Officials may not provide credibility or prestige to religion by including prayer in government-sponsored events.

Religious speeches by state actors

In addition to religious invocations, several state actors who spoke at the 2016 event in their official capacities promoted religion:

- **Rick Scott, Governor:** “So probably like each of you, I feel blessed. I grew up in a family, I have a wonderful grandmother, and a wonderful mother.

They told me early in my life about Jesus Christ. They struggled to put food on the table, we lived in public housing, my mother, and I don't even know my natural father. I have an adopted father, my natural father did not treat my mother well, and fortunately she divorced him, which was a good day for me, she got divorced right as I was getting born, and I would have had a different life if she had stayed married. But she had faith. . . . she had a plan. We went to church a lot. . . .

So I was giving a speech to the boy scouts. And I started thinking about my mom's plan, and here was her plan. She said you're going to be a Christian. I am going to make sure your brother does the same, and I am going to make sure you know who Jesus Christ is. . . . my mother told me, 'do the right thing, believe in God, and whatever happens is going to happen.' I always say in my prayers if God would send me a fax that would be easier. But what you do everyday is take care of people that are struggling. You take care of moms, and dads, and their children, and they are figuring it out. Life is not easy, but every one of those individuals is put here by God for a purpose. And what you do everyday is fulfill God's purpose by helping them. . . .

- **Mike Carol, Secretary, Department of Children and Families:** "I want to real quickly tell you why the faith-based community and our partnership with you is so important. . . . [in my childhood] I thought we were pretty good kids. And it was important because faith provided you with something inside of you, it was intangible but it helped forge who you became later in life. . . . I remember when my dad started in AA, one of the tenets of that was he had to give up his recovery to a higher power, which in our case, we're Catholic, that was Jesus. Because he couldn't do it by himself, and the prayer they said was the Serenity Prayer. God grant me the serenity to accept the things I cannot change, the courage to change things I can, and the wisdom to know the difference. These are two prayers in my lifetime that have stuck with me, the Our Father—you folks probably all know the Our Father . . . but the Serenity Prayer stuck with me even more, and I live my life that way. . . .

The United States Supreme Court has held that government officials may not seek to advance or promote religion, specifically stating, "If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not now occur to us." *W. Va. Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943).

Governor Scott's and Secretary Carroll's promotion of their personal religion during this government event—while speaking in their official capacities—sends the message that they, on behalf of the State of Florida, prefer and endorse the Christian faith.

Additional religious content

Finally, programming at the Faith Symposium often promotes religion in general, and Christianity in particular. For example, last year's event featured Christian recording artist Omega Forbes, whose "mission is to lead people beyond the veil and into the presence of the Lord."¹ In an event that otherwise had nothing to do with religion or Christianity, the government might legally include a musician who performs songs with religious content, but in this case Forbes was plainly chosen to perform at the Faith Symposium *because* his music promotes Christianity.

Additionally, the event's workshops regularly involve improper entanglement between religion and government. For example, the 2015 event included the following workshops:

- A faith-based and Comprehensive Approach to Effectively Serve At-Risk and Arrested Youth;
- Understand Child Nutrition Programs and How They can Support Your [churches'] Mission;
- Church Based Foster Care Recruitment – Finding Home;
- The Love of Christ Bridging the Gap of Abandonment and Rejection;
- The Power of Faith and Social Work: A Servant's Heart for Children; and
- Work Hard, Play Hard, and Pray Hard . . . Molding a Child's Character.

This trend continued in 2016, with workshops such as "Faith-based mentoring; How to engage and impact DJJ-involved youth in your community."² This workshop's description stated that "The need for faith-based mentors for juvenile justice-involved youth cannot be overstated. . . . This workshop is intended to connect the need with the faith-based assistance by identifying 'plug-in' points for attendees/mentors in their specific judicial circuits. . . ." In other words, the point of the workshop was to connect clergy with troubled youth in the DJJ system so that the clergy can provide faith-based mentoring, *i.e.* promote religion, to the youth. Matching up children under the government's care with government-selected Christian preachers is a massive departure from the state's obligation to remain neutral on matters of religion and violates the rights of conscience of every juvenile in the program.

During another 2016 session, entitled "Faith and Government Working Together," DCF's Veraunda Jackson mischaracterized the law by implying that the state offering religious exercises to children is legal so long as the act is "voluntary." In fact, courts have summarily rejected arguments that voluntariness excuses a constitutional violation. *See generally Lee v. Weisman*, 505 U.S. 577, 596 (1992) ("It is a tenet of the First Amendment that the State cannot require one of its citizens to forfeit his or her rights and benefits as the price of resisting conformance to state-sponsored religious practice."); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203, 288 (1963) (Brennan, J., concurring) (" . . . the availability of excusal or exemption simply has no relevance to the establishment question . . ."); *Mellen v. Bunting*, 327 F.3d 355, 372 (4th Cir. 2003) (" . . . VMI cannot avoid Establishment

¹ worldwidedfmi.com/#about.

² faithsymposium.com/workshops.shtml.

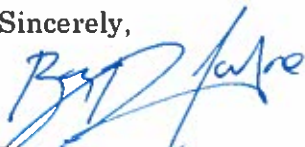
Clause problems by simply asserting that a cadet's attendance at supper or his or her participation in the supper prayer are 'voluntary'). Regardless of whether an activity is voluntary, the government may not promote religion to vulnerable children and may not invite outside clergy to do the same while the children are in the government's care.

The separation of church and state is one of the most fundamental principles of our system of government. The state's elected officials are charged with representing all citizens, including those citizens who may not share their religious viewpoints. Holding a government-sponsored event that openly promotes religion sends the message to nonreligious residents '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. 668, 687 (1984) (O'Connor, J., concurring)).

Sweeping reforms would be necessary to bring the Faith Symposium into constitutional compliance. All prayers must be removed, and all speakers, workshops, and other government-sponsored programming must not appear to endorse religion over nonreligion, or Christianity over minority religions. A simpler solution would be to replace the Faith Symposium with a separate, entirely secular event that would be open to *all* community leaders and would benefit Florida's youth and families without entangling the government with religious missions or messages.

Please respond in writing with reliable assurances that these egregious constitutional violations will not recur. Absent such assurances, FFRF and the ACLU of Florida will strongly consider further legal action to challenge the 2017 Faith Symposium.

Sincerely,



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



Nancy G. Abudu
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