

# FREEDOM FROM RELIGION *foundation*

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SENT BY MAIL AND EMAIL TO:  
Louis.Giorla@prisons.phila.gov

Mr. Louis Giorla  
Commissioner of Prisons  
7901 State Rd.  
Philadelphia, PA 19136

Re: Religious endorsement surrounding pope's visit

Dear Commissioner Giorla:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to alert you to constitutional concerns over religious endorsement and favoritism within the Philadelphia Prison System (PPS). FFRF is a national nonprofit organization with 23,000 members across the country, including members in Pennsylvania, and two state chapters: Nittany Freethought and Central PA Rationalists. Our purpose is to protect the constitutional principle of separation between state and church.

It has come to our attention that recently prisoners within the PPS have been enlisted to prepare for a visit from Pope Francis, the world leader of Roman Catholicism, by crafting a chair as a gift for Catholicism's highest pontiff. It appears that PPS has coordinated this effort, which involves inmates from Philadelphia Industrial Correctional Center hand carving the chair out of walnut, refinishing the chair, and then sending it to Curran-Fromhold Correctional Facility to be upholstered. We understand that crafting gifts for Catholic leaders has happened more than once. It is reported that in January, "inmates also made a special chair for Philadelphia Archbishop Charles Chaput when he celebrated Mass at the facility."<sup>1</sup>

We write to point out that PPS appears to be showing impermissible favoritism to one religion over all others, and religion over nonreligion, by inviting Catholic religious leaders to its facilities and then bestowing gifts on them.

It is well settled 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)). In this case, PPS is showing favoritism to one religion, Catholicism, over all minority religions and nonreligion by inviting the Roman Catholic pope to meet with inmates at its facilities and by presenting the pope with an expensive handmade gift. This practice violates the

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<sup>1</sup> Kathy Matheson, *Inmates Work to Create Chair for Pope's Philly Prison Visit*, ASSOCIATED PRESS (Aug. 24, 2015) available at <http://abcnews.go.com/US/wireStory/inmates-work-create-chair-popes-philly-prison-visit-33287373>.

well-established constitutional principle that the government must remain neutral toward religion.

By singling out Pope Francis, PPS appears to be endorsing his sectarian religious message. The sponsorship of a religious message is impermissible because it sends the ancillary message to inmates who are nonadherents “that they are outsiders, not full members of the political community and accompanying message to adherents that they are insiders, favored members of the political community.” *Lynch v. Donnelly*, 465 U.S. 668, 688 (1985) (O’Connor, J., concurring).

While PPS is free to accommodate the religious beliefs of its inmates by providing them with opportunities to choose to worship (or not) in their own way, PPS is prohibited from endorsing religion over nonreligion just as it is prohibited from endorsing one religious sect over another. The Supreme Court has driven this point home time and again. The First Amendment “requires the state to be a neutral in its relations with groups of religious believers and non-believers.” *Everson*, 303 U.S. at 18; *see also Texas Monthly, Inc. v. Bullock*, 489 U.S. 1, 27-28 (1997) (“government may not favor religious belief over disbelief”) (Blackmun, J., concurring); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203, 305 (1963) (“[t]he fullest realization of true religious liberty requires that government . . . effect no favoritism among sects or between religion and nonreligion.”) (Goldberg, J., concurring); *Cnty. of Allegheny v. Am. Civil Liberties Union*, 492 U.S. 573, 593-94 (1989) (quoting *Wallace*, 472 U.S. at 70; *Lynch*, 465 U.S. at 687 (O’Connor, J., concurring)).

Celebrating one particular religion by showering its leaders with gifts and opportunities to visit with inmates in a publicly-funded institution excludes a significant segment of the population. Currently one-in-five adult taxpaying Americans, and one-in-three adult Americans under the age of thirty, are nonreligious.<sup>2</sup> And the segment of the population finding that they can be good without religion is on the rise. PPS must remain neutral toward religion in order to accommodate all inmates, regardless of their religious or nonreligious beliefs.

PPS has a legal obligation to respect the right to freedom of conscience for all its inmates, including atheists, agnostics, humanists, and other freethinkers. By honoring Catholicism’s leaders above all others, PPS violates its obligations under the Establishment Clause. We ask that PPS take steps to ensure that it does not continue to use inmates to further religion and impermissibly promote one religion above all others. May we hear from you at your earliest convenience?

Very truly,



Annie Laurie Gaylor  
Co-president  
Freedom From Religion Foundation  
ALG:stg

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<sup>2</sup> Nones on the Rise: One-in-Five Adults Have No Religious Affiliation, Pew Research Center (Oct. 9, 2012).