

FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 • MADISON, WI 53701 • (608) 256-8900 • WWW.FFRF.ORG
November 6, 2012

**SENT VIA FAX & U.S. MAIL
(217) 789-2270**

The Honorable J. Michael Houston
Mayor
City of Springfield
800 E Monroe Rm 300
Springfield IL 62701

Re: Mayor's Prayer Breakfast – November 13, 2012

Dear Mayor Houston:

On behalf of the Freedom From Religion Foundation (FFRF) and our Springfield membership, I urge you to immediately discontinue using City resources and taxpayer funds to plan, organize and promote the upcoming Mayor's Prayer Breakfast. FFRF is a national nonprofit organization with over 19,000 members, including 675 members in Illinois, whose purpose is to protect the constitutional principle of separation between state and church.

It is our information and understanding that the 17th Annual Mayor's Prayer Breakfast is scheduled for November 13, 2012. Our complainant informs us that this religious event is promoted on the official website for the City of Springfield (City). The web page, which is enclosed for your information, also lists the number 789-2270 as the number for further information about ticket sales. We understand that is the main telephone number for the Springfield Department of Community Relations, a City office.

Your participation in this annual event, and the City's apparent coordination of the event, poses serious constitutional separation of state and church concerns. The Establishment Clause of the First Amendment to the United States Constitution prohibits the government from endorsing, advancing or promoting religion. Therefore, it is grossly illegal and inappropriate for the City to be hosting, organizing, supporting or otherwise promoting a patently religious event, such as a prayer breakfast. This practice, which has been recurring for the last 17 years, certainly has the effect of government endorsement of religion.

The events, even if deemed interfaith, notably exclude those of no religious faith — the

non-religious and the non-believers. The non-religious are the fastest-growing segment of the U.S. population by religious identification — at 15% by national average, and as high as 22% in the Northeast, 17% in the Mid-Atlantic, 19% in the Western Mountain Division states, and 20% on the West Coast (American Religious Identification Survey 2008, Trinity College). Additionally, according to recent studies 1-in-4 Americans aged 18 to 30 and 1-in-5 adult Americans of any age are nonbelievers.¹

The purpose and effect of any prayer breakfast “sends the ancillary 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 Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309-310 (2000)(quoting *Lynch v. Donnelly*).

Any reasonable City resident would logically interpret the City’s actions in this case as government endorsement of religion. The Department of Community Relations is inappropriately handling ticket sales for this religious event. It is of no consequence that the breakfast will take place on private property. Given the high degree of City involvement and entanglement in the event, any reasonable person would interpret this conduct as government espousal of religion.

The City must refrain from expending any further taxpayer dollars, using publicly funded employees, and drawing on any other publicly funded resources to promote the religious prayer breakfast. This includes publicizing the event on the City website, advertising and handling ticket sales, and being a sponsor (or co-sponsor) of the event.

It is not uncommon for ministerial associations or private groups to host a prayer breakfast and invite public officials, who attend as individuals. This is the case at the “National Prayer Breakfast” in D.C., for example. But it is absolutely unlawful, inappropriate and unseemly, under the First Amendment for a mayor’s office itself to host such an event or work in tandem with event organizers to put on the breakfast.

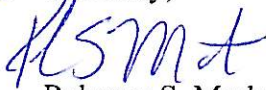
Finally, you appear to be sponsoring and attending the event in your official capacity as Mayor of Springfield. The United States Supreme Court has held that public officials may not seek to advance or promote religion. The Supreme Court has specifically stated, “If there is any fixed star in our constitutional 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.” (emphasis added) *West Virginia Board of Education v. Barnette*, 319 U.S. 624, 642 (1943).

¹ According to USA Today, a recent Pew Center survey found that 19%, or 1 in 5 adult Americans have no religious belief. <http://www.usatoday.com/news/religion/story/2012-07-19/no-religion-affiliation/56344976/1>. The Pew Forum on Religion & Public Life Religion Among the Millennials, 2010, shows that “fully one-in-four adults under age 30” are atheist, agnostic or “nothing in particular.”

The separation of church and state is among one of the most fundamental principles of our system of government. As the City's highest elected official, you are charged with great responsibility and have been given significant trust by its citizens, including those citizens who may not share your religious viewpoints. Even if the prayer breakfast is sponsored by an outside religious organization or church, any insinuation that you attend these religious events in your official capacity as mayor raises grave Establishment Clause concerns. Therefore, we strongly urge you to consider your status as the highest elected official in Springfield and the importance of the constitutional principle of separation of church and state before you agree to attend any future religious functions in your community as Mayor of your city, much less lend your name as mayor to the event.

We ask that you take immediate steps to remedy the serious violations of the Establishment Clause the City's involvement in the prayer breakfast presents. We further ask that you comply with your oath of office to protect and defend the United States. May we hear from you in writing at your earliest convenience about what steps you have taken to ensure constitutional dictates are followed?

Sincerely,

A handwritten signature in blue ink, appearing to read 'RSM', with a long horizontal flourish extending to the left.

Rebecca S. Markert
Staff Attorney