

FREEDOM FROM RELIGION *foundation*

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February 10, 2016

SENT VIA FAX & U.S. MAIL
928-636-2144

Mayor Chris Marley
Chino Valley Town Council
202 N. State Route 89
Chino Valley, AZ 86323

Re: Unconstitutional invocation practice

Dear Mayor Marley and Councilmembers:

I am writing again on behalf of the Freedom From Religion Foundation to once again inform you that you must change your current invocation policy, which is unconstitutional.

We understand that at last night's Town Council meeting, Mayor Marley personally conducted the invocation, reading a "disclaimer" that prayer was his "personal belief," and had a protester forcibly removed from council chambers. We understand the council discussed the invocation, but decided not to change the current practice. We also are informed Mayor Marley declared this lack of action "drawing a line in the sand in defense of freedom of religion and free expression."

The government does not have freedom of religion. In fact, as the Supreme Court has repeatedly stated, the "First Amendment mandates government neutrality between religion and religion, and between religion and nonreligion." *McCreary County, 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 Ed. of Ewing*, 330 U.S. 1, 15-16 (1947).

It is alarming that the members of the Chino Valley Town Council do not understand that you are acting as the government at Town Council meetings, and not as private individuals. Town Council members, sitting in the Council chambers at a Town Council meeting, are not private citizens with the right to free exercise of religion. Instead, you are representatives of Chino Valley, Arizona, which has a constitutional duty to remain neutral on religious matters to avoid giving the appearance that the Town favors Christianity. No supposed disclaimer alters these facts. Declaring the Council's intent to continue not just hosting, but delivering, prayers "in Jesus' name," denouncing a citizen who took offense at the Council-sponsored Christian invocations, and having a rabbi forcibly removed from a meeting for protesting all demonstrate that the Chino Valley Town Council is failing to meet its constitutional duty to remain neutral.

The solution for this ongoing failure is simple: stop including prayer at meetings. Controversial religious matters should be left to each citizen's personal conscience, not dictated to them by their local Town Council. Surely recent events demonstrate nothing more than the fact that

including religious ritual at government meetings is divisive and unnecessary—so divisive that the Council ejected a member of a minority religion for exercising the very freedom of expression the Council is so eager to incorrectly claim for itself.

“Our Government is prohibited from prescribing prayers to be recited in our public institutions.” *Town of Greece, N.Y. v. Galloway*, 134 S. Ct. 1811, 1822 (2014) (citing *Engel v. Vitale*, 370 U.S. 421, 430 (1962)). It is an abuse of your governmental power as mayor and councilors to use the Town Council Chambers as a pulpit for your personal religious beliefs, which must be put aside when you are acting in your official capacities. You must immediately remove councilor-led invocations from Chino Valley Town Council meeting. Please inform us in writing of the steps you are taking to end this constitutional violation.

Sincerely,

A handwritten signature in cursive script that reads "Madeline Ziegler".

Madeline Ziegler, Esq.
Cornelius Vanderbroek Legal Fellow
Freedom From Religion Foundation