

FREEDOM FROM RELIGION *foundation*

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

July 1, 2020

SENT VIA EMAIL ONLY:

mayor@centralfallsri.us

The Honorable James Diossa
Mayor
City of Central Falls
580 Broad St.
Central Falls, RI 02863

Re: Divisive religious promotion on social media

Dear Mayor Diossa:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to alert you to citizen concerns over the promotion of religion on your Facebook page. FFRF is a nationwide nonprofit organization with more than 33,000 members throughout the country, including many in Rhode Island. Our purposes are to protect the constitutional separation between state and church and to educate the public on matters related to nontheism.

It is our understanding that you promoted a sectarian sermon and prayer on your Facebook page in your official capacity as Mayor of Central Falls. Video shows that you announced an official day of mourning and lament before allowing Pastor Stephen Harper to deliver a short sermon where he said, among other things, that “I am thankful for the knowledge that God, our Creator, has not left us,” assuring viewers that he and his congregation are praying for them and quoting the bible, “The Lord is close to the brokenhearted and saves those who are crushed in spirit.” He then led a Christian prayer “in the name of Jesus.”¹ The video was posted on your official Facebook page and ended with a picture of the seal of the City of Central Falls.

As Mayor, you represent a diverse population that consists of not only Christians, but also minority religious and nonreligious citizens. Religious endorsements made in your official capacity send a message that excludes the 26 percent of American adults who identify as nonreligious, including 40 percent of millennials and younger Americans.² Allowing a religious leader to participate in an official city announcement needlessly alienates the non-Christian and nonreligious citizens you represent, turning them into political outsiders in their own community.

It would be entirely possible, of course, for you to send comforting messages to your constituents without ostracizing a significant portion of those you represent. By allowing an exclusively Christian message on your official Facebook page, you unnecessarily exclude a significant portion of the community. This announcement sends the message to your minority religious and nonreligious

¹ <https://www.facebook.com/jamesdiossa/videos/250370619619721>

² *In U.S., Decline of Christianity Continues at Rapid Pace*, PEW RESEARCH CENTER (Oct. 17, 2019), available at <https://www.pewforum.org/2019/10/17/in-u-s-decline-of-christianity-continues-at-rapid-pace/>.

constituents that their participation in the political process is less valued than that of their Christian counterparts.

Sticking to secular messages is inclusive of everyone and honors our Constitution, the document you swore to uphold when you took your oath of office. It should be a matter of pride that the United States was first among nations to adopt an entirely secular Constitution, in which the only references to religion are exclusionary, such as barring religious tests for public office and separating religion from government. The First Amendment prohibits even the *appearance* of religious endorsement by government officials. *See, e.g., Capitol Square Review and Advisory Bd. v. Pinette*, 515 U.S. 753, 787 (1995) (Souter, J., concurring) (“Effects matter to the Establishment Clause, and one, principal way that we assess them is by asking whether the practice in question creates the appearance of endorsement to the reasonable observer.”); *Cty. of Allegheny v. ACLU Greater Pittsburgh Chapter*, 492 U.S. 573, 593–94 (1989) (“The Establishment Clause, at the very least, prohibits government from appearing to take a position on questions of religious belief . . .”). Promoting a particular church’s religious beliefs on your official Facebook page violates your obligation under the Constitution as a public official.

The Supreme Court recently described the power of social media sites as “the principal sources for knowing current events, checking ads for employment, speaking and listening in the modern public square, and otherwise exploring the vast realms of human thought and knowledge.” *Packingham v. North Carolina*, 137 S. Ct. 1730, 1737 (2017) (internal citations omitted). Government officials must be particularly diligent not to entangle their personal religious beliefs with official government pronouncements made in this “modern public square.” Even the private social media accounts of people who assume government office can become accounts that speak for the government, unless these officers carefully distinguish their public and private roles. Courts are willing to treat accounts that politicians believe to be private as official government accounts when they are used to disseminate official government communications. The Ninth Circuit Court of Appeals recently noted that the President’s Twitter feed is composed of “official statements by the President of the United States.” *See Hawaii v. Trump*, 859 F.3d 741, 773 n. 14 (9th Cir. June 12, 2017), *vacated on other grounds*, 874 F.3d 1112 (9th Cir. Nov. 2, 2017). We see no legal reason why your Facebook page would be treated differently.

We ask that in the future you refrain from including religious messaging in official city announcements. Please inform us in writing of the steps taken to respect the rights of conscience of all Central Falls residents, regardless of their religious or nonreligious beliefs.

Sincerely,

A handwritten signature in black ink that reads "Madeline Ziegler". The signature is written in a cursive, flowing style.

Madeline Ziegler
Staff Attorney

MEZ:rcs