

FREEDOM FROM RELIGION *foundation*

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June 17, 2020

SENT VIA EMAIL ONLY:
asd3661@yahoo.com

The Honorable Andrew Medellin
Mayor
City of Madera
205 West Fourth Street
Madera, CA 93637

Re: Divisive Religious Promotion on Social Media

Dear Mayor Medellin:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to alert you to unconstitutional religious endorsement on the official City of Madera Facebook page. FFRF is a nationwide nonprofit organization with more than 33,000 members throughout the country, including more than 4,000 members and a local chapter in California. Our purposes are to protect the constitutional separation between state and church, and to educate the public on matters related to nontheism.

A concerned local resident contacted FFRF to report that, on April 17, 2020, the City of Madera posted a video address from you on its official Facebook page in which you asked that residents “continue to rely on your faith. Continue to bring God closer to your heart.” You also said that “We all know we can not get through this without our lord and savior Jesus Christ” and asked City residents to pray.

We ask that the City of Madera remove all social media posts promoting religion and refrain from uploading any additional religious posts in the future.

The Supreme Court has long held that the Establishment Clause “mandates government neutrality between religion and religion, and between religion and nonreligion.” *McCreary Cty., Ky. v. Am. Civil Liberties Union of Ky.*, 545 U.S. 844, 860 (2005); *Wallace v. Jafree*, 472 U.S. 38, 53 (1985); *Epperson v. Ark.*, 393 U.S. 97, 104 (1968); *Everson v. Bd. of Educ. of Ewing*, 330 U.S. 1, 15-16 (1947). Your statements amount to an endorsement of Christianity which, when posted to the official City of Madera Facebook page, conveys a message to non-Christians that they are not “favored members of the community.” *Cty. of Allegheny v. Am. Civil Liberties Union Greater Pittsburgh Ch.*, 492 U.S. 573, 595 (1989).

Sticking to secular messages is inclusive of everyone and honors our Constitution. 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.

Our constitution's Establishment Clause 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 . . .").

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."

Of course, Government officials can worship, pray, or quote any religious text they wish when acting in their personal capacities. But they are not permitted to provide prestige to their personal religion by lending a government office and government title to religious ideology. Their offices and titles belong to "We the people," not the offices' temporary occupants. As mayor, you are charged with great responsibility and have been given significant trust by the citizens of Madera, including those citizens who do not share your religious viewpoint.

To avoid further Establishment Clause concerns, the City of Madera must remove all social media posts promoting religion and refrain from uploading any religious posts in the future. Please inform us in writing of the steps taken to respect the rights of conscience of all Madera residents, regardless of their personal religious or nonreligious beliefs. Thank you for your time and attention to this matter.

Sincerely,



Dante CH Harootunian
Patrick O'Reiley Legal Fellow
Freedom From Religion Foundation

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