

# FREEDOM FROM RELIGION *foundation*

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November 16, 2021

**SENT VIA U.S. MAIL AND EMAIL: [cityhall@morrisil.org](mailto:cityhall@morrisil.org)**

Chris Brown  
Mayor  
City of Morris  
700 N. Division St.  
Morris, IL 60450

Re: Unconstitutional Religious Parking Preferences

Dear Mayor Brown:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring in the City of Morris. FFRF is a national nonprofit organization with more than 35,000 members, including over 1100 members and a chapter in Illinois. FFRF's purposes are to protect the constitutional principle of separation between state and church, and to educate the public on nontheism.

A concerned local resident contacted us to report that four parking signs are displayed along a public street in Morris that reserve parking spots for "church parking only." Please see the enclosed photo.

The Supreme Court has repeatedly declared that the "First Amendment mandates government 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); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985); *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968); *Everson v. Bd. of Educ. of Ewing*, 330 U.S. 1, 15-16 (1947). Religion is advanced when the government offers religion a benefit that is not available to other similarly situated secular organizations. *See Texas Monthly, Inc. v. Bullock*, 489 U.S. 1, 18 (1989) (finding a Texas statute that offered religious publications an exclusive tax benefit to be an unconstitutional advancement of religion). Granting churches and church-goers preferential parking rights violates this constitutional principle.

Because the signs prohibit some area residents from parking on a public street near a church, the City of Morris is allowing the presence of the church to control who will be penalized for violating parking ordinances. This not only confers endorsement and advancement of religion, but it also fosters excessive entanglement between the city and a church. The Supreme Court has struck down such entanglements between government and religious actors. *See Larkin v. Grendel's Den, Inc.*, 459 U.S. 116 (1982) (finding a state statute giving churches the unique power to veto liquor license applications unconstitutional because the statute encouraged, rather than avoided excessive entanglement); *see also, Bd. of Educ. of Kiryas Joel Vill. Sch. Dist. v.*

*Grumet*, 512 U.S. 687, 698 (1994) (“a State may not delegate its civic authority to a group chosen according to a religious criterion.”).

These signs allow a religious organization to control the enforcement of parking on a public street in Morris. On its face, the city’s treatment of parking is preferential toward church goers and exclusionary toward residents and neighbors who do not attend the church. The city’s conferral of special parking benefits to a select church cannot be reconciled with the Constitution. Businesses and secular organizations must provide their own parking or utilize parking that is generally available to the public. The subsidy for church parking is significant because the church, unlike a secular counterpart, does not have to pay for an adequate parking lot or otherwise contract for parking. In essence, the entire city is subsidizing free parking for church goers. If parking is limited immediately in front of a church, it is not for the city to resolve by granting special treatment.

In light of the constitutional violation caused by these signs, we request that you remove the signs and ensure that parking enforcement in the city is in compliance with your constitutional mandate of religious neutrality. We ask that you inform us in writing of the steps you are taking to address this matter so that we may inform our complainant.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen M. Heineman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Karen M. Heineman  
*Patrick O'Reiley Legal Fellow*  
*Freedom From Religion Foundation*

Enclosure

