

FREEDOM FROM RELIGION *foundation*

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Jeff Hogg
President
Northport City Council
3500 McFarland Boulevard
Northport, AL 35476

Re: Concerns regarding funding of religious organization and chapel

Dear President Hogg and City Council members:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding constitutional concerns over the City's potential funding of a religious organization, including the construction of a chapel with city funds. FFRF is a national nonprofit organization with more than 41,000 members across the country, including members in Alabama. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

It is our understanding that representatives from the "Freedom Farm," a Christian foster care community, have asked the City of Northport to give taxpayer funds to the organization so that it can fulfill its Christian mission and construct a new compound, which includes a chapel. Freedom Farm describes itself as:¹

A Christian home where children are introduced to God using the Bible as a roadmap in hopes that each child will develop an authentic relationship with Jesus Christ.

The founder of Freedom Farm has explained:²

This idea was something that God laid on my heart maybe 25 or 30 years ago... There's ability and availability. I'm a surgeon, not an expert in foster care at all. God has called me to do this so I've offered him my obedience and availability and I've prayed someone will come on with the ability and that is happening... the greatest example of hope is the cross of Christ.

While we certainly understand why the City would be interested in the noble cause of supporting kids in foster care, it cannot do so by providing funds to a religious organization that intends to indoctrinate children when they are at their most vulnerable or for the purposes of building a religious chapel.

¹ <https://www.freedomfarmal.org/about>

² <https://www.tuscaloosaneews.com/story/news/2023/01/31/freedom-farm-dedicated-in-coker-for-foster-families/69854483007/>

Government funds cannot be given away to churches or religious organizations in order to advance their religious missions, indoctrinate children into their religion, and build chapels for religious worship.

The government cannot subsidize certain religions or dispense special financial benefits to religious organizations or houses of worship. It is a fundamental principle of Establishment Clause jurisprudence that the government cannot favor religion. The Supreme Court has said, “The touchstone for our analysis is the principle that the ‘First Amendment mandates governmental neutrality between religion and religion, and between religion and nonreligion.’” *McCreary Cnty v. ACLU*, 545 U.S. 844, 860 (2005), (quoting *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968); *Everson v. Bd. of Educ. of Ewing*, 330 U.S. 1, 15–16 (1947); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985)).

The First Amendment prohibits “sponsorship, *financial support*, and active involvement of the sovereign in religious activity.” *Walz v. NY Tax Comm’n*, 397 U.S. 664, 668 (1970) (emphasis added); *see also Mitchell v. Helms*, 530 U.S. 793, 819 (2000); *Bowen v. Kendrick*, 487 U.S. 589, 621 (1988); *Roemer v. Bd. of Pub. Works*, 426 U.S. 736, 754–55 (1976). This means that the City of Northport may not use public money to facilitate religious exercise, proselytization, or instruction. *See, e.g., Levitt v. Comm. for Pub. Educ. & Religious Liberty*, 412 U.S. 472, 480 (1973) (“[T]he State is constitutionally compelled to assure that the state-supported activity is not being used for religious indoctrination.”).

While in recent years government funding to religious groups for secular purposes through neutral grant programs has been upheld, this request is not part of a neutral grant program, but a request specifically from Freedom Farm. In *Wirtz v. City of S. Bend*, a federal court struck down a city’s donation of land to a religious school in exchange for public use of athletic facilities that the school planned to build on the land. 813 F.Supp.2d 1051 (N.D. Ind., 2011). The court explained that “[g]overnmental programs or actions that provide special benefits to specific religious entities are impermissible... [E]ither the state’s payments must reach religious institutions only indirectly through programs of purely private choice or religious institutions must be getting nothing more than [...] secular governmental services or supplies on the same terms and conditions as anyone else as part of a neutral program.” *Id.* at 1059 (internal citations omitted).

In order to show your support for the principle of separation between state and church and to protect the rights of *all* residents of the City of Northport, we ask that you refrain from expending taxpayer funds to support this religious endeavor and to build a Christian chapel. Thank you in advance for your time and attention to this matter.

Sincerely,



Christopher Line
Staff Attorney
Freedom From Religion Foundation