

FREEDOM FROM RELIGION *foundation*

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

December 15, 2022

SENT BY EMAIL AND U.S. MAIL: al.loma@d11.org

Al Loma
Board Member
District 11 Board of Education
1115 N. El Paso Street
Colorado Springs, CO 80903

Re: Religious promotion in official district communications

Dear Mr. Loma:

I am writing again on behalf of the Freedom From Religion Foundation (FFRF) regarding constitutional concerns over your promotion of religion using your official District email address. As you know, we first wrote to you regarding this issue on January 26, 2022.

A concerned District 11 resident informed us that in response to a message they sent you in your official capacity as a public school board member through your official school board email, you responded with religious messages and bible quotes. We are also dismayed by your comments regarding the Club Q tragedy, including that the shooter, who was non-binary, was the one who “stood for LGBTQ+ people,” and not the 5 people killed or 25 others who were injured.

In response to our complainant’s message asking you to please “keep the 25 individuals in your mind next time [you] choose to make any comment against the LGBTQ+ community, you said, “The bible clearly delineates the perversion you defend,” and quoted, Romans 1:21-27:

God gave them over to shameful lusts. Even their women exchanged natural relations for unnatural ones. In the same way the men also abandoned natural relations with women and were inflamed with lust for one another. Men committed indecent acts with other men, and received in themselves the due penalty for their perversion.

You then ended this official district communication with:

Blessings,
Rev. Al Loma, D11 Board
Senior Pastor, Victory Worship Church

We write to remind you that it is inappropriate and unconstitutional for you to abuse your public position to advance your personal religious beliefs, and ask that you immediately cease including religious messages and your religious signature in official District communications.

The Establishment Clause in the First Amendment to the U.S. Constitution prohibits the government from showing favoritism towards religion. The Supreme Court has said time and again 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. Ark.*, 393 U.S. 97, 104 (1968); *Everson v. Board of Educ. of Ewing*, 330 U.S. 1, 15-16 (1947).

The statements of a school board member are attributable to the district. It is inappropriate and unconstitutional for the district or its agents to promote a religious message because it conveys government preference for religion over nonreligion. The Supreme Court has ruled, “[t]he Establishment Clause, at the very least, prohibits government from appearing to take a position on questions of religious belief.” *Cty. of Allegheny v. Am. Civil Liberties Union, Greater Pittsburgh Chapter*, 492 U.S. 573, 593-94 (1989).

As a school board member, you serve a diverse population that consists not only of Christians, but also minority religious and nonreligious staff members. Religious endorsements made in your official capacity send a message that excludes the thirty-five percent of Americans are non-Christians,¹ and this includes the more than one in four Americans who now identify as religiously unaffiliated.² Religious endorsements coming from your position on the school board needlessly alienate the non-Christian and nonreligious residents of District 11, turning them into outsiders in their own community. While many residents may support this religious sentiment, a significant proportion is excluded by it.

Government officials can talk about their religious beliefs 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 a school board member, you are charged with great responsibility and have been given significant trust by citizens in Colorado Springs, including those citizens and District employees who do not share your religious viewpoint.

We ask that you refrain from including religious messages in future messages sent through your official school board email, out of respect for the many minority religious and nonreligious among district constituents and in recognition of the precious constitutional principle of separation between church and state, which protects the religious freedom and right of conscience of all Americans, believers and non-believers alike. Please respond in writing with the steps you will take to correct this constitutional violation so that we may notify our complainant.

Sincerely

A handwritten signature in blue ink that reads "Chris Line". The signature is written in a cursive, flowing style.

Christopher Line
Staff Attorney
Freedom From Religion Foundation

¹ *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/>.

² *Id.*