

FREEDOM FROM RELIGION *foundation*

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SENT VIA EMAIL AND U.S. MAIL:

jhearn@coralsprings.org

John Hearn, Esq.
City Attorney
City of Coral Springs
9551 West Sample Rd.
Coral Springs, FL 33065

Re: Unconstitutional City Commission Invocation Policy

Dear Mr. Hearn:

I am writing on behalf of the Freedom From Religion Foundation to alert you to the unconstitutionality of the City of Coral Springs' policy regarding invocations before City Commission meetings. FFRF is a national non-profit organization with more than 23,000 members across the county, including more than 1,100 members in Florida, and a local chapter, Central Florida Freethought Community. FFRF's purpose is to protect the constitutional principal of separation between state and church.

We understand that the City Commission of the City of Coral Springs has permitted sectarian religious invocations at their meetings, but has refused to allow local citizen Chaz Stevens to deliver an invocation, even though there were slots available for him to deliver an invocation, because he adhered to an unpopular religion, Satanism.

This practice flies in the face of the Supreme Court decision that allows these invocations in the first place. *Town of Greece, N.Y. v. Galloway*, 134 S. Ct. 1811 (2014). The Court upheld prayers at local government meetings only "[s]o long as the town maintains a policy of nondiscrimination . . ." *Id.* at 1824. In *Greece*, "*The town at no point excluded or denied an opportunity to a would-be prayer giver.* Its leaders maintained that a minister *or layperson* of any persuasion, *including an atheist*, could give the invocation." *Id.* at 1815 (emphasis added). Coral Springs' policy is blatantly discriminatory and would likely exclude new religions, minority religions, poor religions, and the non-religious.

The Supreme Court's decision would have been different had the town used the prayer opportunity to discriminate against minority religions as Coral Springs

appears to be doing: "The analysis would be different if town board members . . . singled out dissidents for opprobrium . . ." *Id.* at 1814–15. There can be no "official policy or practice of discriminating against minority faiths." *Id.* at 1817.

If Coral Springs wants to continue to host prayers, it cannot discriminate against *any person* wishing to give a prayer: "The First Amendment is not a majority rule, and government may not seek to define permissible categories of religious speech. Once it invites prayer into the public sphere, government must permit a prayer giver to address his or her own God or gods as conscience dictates, unfettered by what an administrator or judge considers to be nonsectarian." *Id.* at 1822–23.

If the preceding language were not explicit enough, the Court clearly stated that the purpose of these prayers must be inclusive: "These ceremonial prayers strive for the idea that people of many faiths may be united in a community of tolerance and devotion." *Id.* at 1823. "People of many faiths" includes Satanists.

In this case, the Commission is refusing religious minorities the same prayer opportunity as people of majority religions. It is no defense to claim that the community may be worried about a Satanist message. Community feelings do not give the government the right to "prescribe what shall be orthodox in . . . religion, or other matters of opinion . . ." *West Virginia State Bd. of Educ. v. Barnette*, 319 U.S. 624, 633–34 (1943) (Murphy, J., concurring).

If the Commission truly believes that Satanist invocations will create fear and unrest in their community, the solution is *to stop having the invocations*. Greece does not *require* the Commission to allow invocations. All this could be avoided, and taxpayer dollars saved, if the Commission were to simply get down to the business of doing its job, rather than first experimenting with the dangerous mix of religion and government.

Recently, Brevard County (Fla.) passed a resolution that prevented atheists, agnostics, and non-believers from delivering invocations before County Commission meetings. Now Brevard is having to defend its policy in federal court in a lawsuit filed by FFRF, the ALCU of Florida, and Americans United. We request that the city respond in writing with its plan to ensure that people of any or no religion are allowed to give invocations.

Sincerely,



Andrew L. Seidel
Staff Attorney

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