

FREEDOM FROM RELIGION *foundation*

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The Honorable Tony Strickland
Mayor, Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Re: Strife over Invocation Practices

Dear Mayor Strickland and Huntington Beach City Council members:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding constitutional concerns with proposed changes to the Council's invocation practices. FFRF is a national nonprofit organization with more than 40,000 members across the country, including more than 5,100 members and two chapters in California. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

A concerned Huntington Beach resident has reported concerns with Huntington Beach City Council's invocation practices and related squabbles between the council and the Greater Huntington Beach Interfaith Council, who has traditionally been in charge of deciding who leads invocations before meetings.¹ It is our understanding that the Mayor recently moved to change the way prayers are done because they have become "political soapboxing opportunities." We understand the proposal would have the city create a list of "certified" religious leaders to handle the invocations. Mayor Strickland said this would ensure that no one from a "hate group" could ever participate. It is our understanding that the issues related to who can deliver the prayer, and restrictions on what the prayer giver is allowed to say have caused much in-fighting and strife in Huntington Beach and amongst members of the Council. We share the concerns of community members and members of the interfaith council that these proposed changes will lead to members of one faith being selected to deliver prayer more often than others.

The issues and concerns that the council is dealing with regarding its opening prayer practice perfectly illustrate that government prayer is an unnecessary entanglement of religion with our secular government and why the practice should be dropped altogether. We write to request that the council cease opening its meetings with prayer, or at the very least, implement a moment of silence that would allow all residents to reflect in their own way, according to the dictates of their personal beliefs without input from government-designated religious leaders or city officials.

Prayer at government meetings is unnecessary, inappropriate, and divisive. City council members are free to pray privately or to worship on their own time in their own way. They do not need to worship on

¹ <https://voiceofoc.org/2023/03/huntington-beach-looks-to-limit-who-leads-prayers-before-meetings/>

taxpayers' time. The city council ought not to lend its power and prestige to religion by imposing prayer on meeting attendees. Citizens, including Huntington Beach's nonreligious citizens, may be compelled to come before you on important civic matters, to participate in important decisions affecting their livelihoods, property, children, and quality of life. Any prayers offered exclude the 30 percent of Americans who are nonreligious.² It is coercive and intimidating for nonreligious citizens to come to a public meeting and be required to either make a public showing of their nonbelief or show deference to a religious sentiment they do not believe in, but which their city council members clearly do. This "sponsorship of a religious message is impermissible because it sends the ancillary message to . . . nonadherents 'that they are outsiders, not full members of the political community and accompanying message to adherents that they are insiders, favored members of the political community.'" *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309-10 (2000) (quoting *Lynch v. Donnelly*, 465 U.S. at 668 (O'Connor, J., concurring)).

If the city council does continue to host prayer at public meetings, the council must not discriminate against any person wishing to give a prayer. The nonreligious and members of minority religions must be permitted to deliver invocations as well. The city also treads on dangerous ground voicing that these proposed changes are due to the content of the prayers and indicating an intent to scrutinize the viewpoint of prayer-givers in the future, leaving the city vulnerable to claims of free speech violations.

America was founded in part by refugees seeking freedom from government dictation of religion. The Framers who adopted our entirely secular Constitution knew that religious liberty does not exist without the freedom to dissent. Our nation is founded on a godless Constitution, whose only references to religion in government are exclusionary, such as "no religious test shall ever be required" for public office. U.S. Const. art. VI. The United States was the first nation to adopt a secular constitution, investing sovereignty in "We the People," not a divine entity.

In order to demonstrate the council's respect for the diverse range of religious and nonreligious citizens living in Huntington Beach, we urge you to concentrate on civil matters and leave religion to the private conscience of each individual by ending the council's tradition of hosting invocations before its meetings. Thank you for your time and attention to this matter.

Sincerely,



Christopher Line
Staff Attorney
Freedom From Religion Foundation

² Gregory A. Smith, *About Three-in-Ten U.S. Adults Are Now Religiously Unaffiliated*, Pew Research Center (Dec. 14, 2021), www.pewforum.org/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/.