

# FREEDOM FROM RELIGION *foundation*

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January 21, 2022

**SENT VIA EMAIL & U.S. MAIL: Mayoravery@fairburn.com**

The Honorable Mario Avery  
Mayor, City of Fairburn  
P.O. Box 145  
Fairburn, GA 30213

Re: Unconstitutional Religious Endorsement during Swearing In Ceremony

Dear Mayor Avery:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to object to your inclusion of a religious ritual, communion, during your official swearing in ceremony. FFRF is a national nonprofit organization with more than 35,000 members across the country, including more than 500 members and a local chapter in Georgia. 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 on January 10, 2022, you were sworn in as Mayor during the first City Council meeting of the year. We understand that this meeting was broadcast on the City's official Facebook page and over Zoom. Immediately following your swearing in, you "led the crowd—and invited residents watching at home—in taking communion."<sup>1</sup> You explained that you came up with the idea while you were praying, and asked those watching to grab something to drink so they could participate in this religious ritual with you. You puzzingly said, "this is an act in my efforts to ask the city of Fairburn and its residents, its business owners and all affiliates and associates to come in agreement with what we have to do and what's ahead of us."<sup>2</sup> You related this taking of communion to an event that you had in 2009 with 15 pastors, and noted you were doing this to ask for "spiritual guidance." Immediately following this religious ritual, many people in the room exclaimed, "amen."

As you are aware, communion is a Christian sacrament in which consecrated bread and wine are consumed as memorials of Christ's death or as symbols for the realization of a spiritual union between Christ and communicant or as the body and blood of Christ. Turning this civil ceremony into a church service and suggesting that members of the audience, which certainly included non-Christians, participate in a sacred Christian ritual with you was divisive rather than inclusive. It was counterproductive to your stated intention of bringing everyone together.

This religious ritual during an official government meeting and event amounted to an endorsement of religion, specifically Christianity, in contravention of the Establishment Clause of the First Amendment, which prohibits government sponsorship of religious messages. The Supreme Court has said time and again that the "First Amendment mandates government neutrality between religion and religion, and

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<sup>1</sup>[https://www.mdjonline.com/neighbor\\_newspapers/south\\_metro/news/fairburn-mayor-mario-avery-takes-oath-of-office/article\\_e97fb3b0-7349-11ec-8c82-bf2681942bdd.html](https://www.mdjonline.com/neighbor_newspapers/south_metro/news/fairburn-mayor-mario-avery-takes-oath-of-office/article_e97fb3b0-7349-11ec-8c82-bf2681942bdd.html)

<sup>2</sup> *Id.*

between religion and nonreligion.” *McCreary Cty., 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. Bd. of Educ. of Ewing*, 330 U.S. 1, 15-16 (1947).

Injecting one particular set of religious beliefs and exercises into a government-sponsored ceremony sends an unfortunate and divisive message that those who share those beliefs are favored insiders. As mayor, you represent a diverse population. A government-sponsored event with a Christian ritual unabashedly sends an official message of endorsement of religion over nonreligion, and Christianity over all minority religions, to the exclusion of many of your constituents, including those who belong to non-Christian minority religions.

As a public official you took an oath of office to uphold the U.S. Constitution, which is a godless and secular document in which the only references to religion in government are exclusionary, such as the prohibition on religious tests for public office.

The United States was first among nations to separate religion from government. Our founders did not claim a pipeline to a divinity, investing sovereignty not in a deity but in “We, the People.” This wisdom has largely protected the United States from the religious slaughter and persecution rife around the world and historically whenever the government and religion are aligned:

“There is no such source and cause of strife, quarrel, fights, malignant opposition, persecution, and war, and all evil in the state, as religion. Let it once enter our civil affairs, our government would soon be destroyed. Let it once enter our common schools, they would be destroyed.” *State ex rel. Weiss v. Dist. Bd. of Sch. Dist. No. 8 of City of Edgerton*, 76 Wis. 177, 44 N.W. 967, 981 (1890).

Today 26 percent of Americans are nonreligious,<sup>3</sup> making the nonreligious the fastest-growing religious demographic by religious identification. Your decision to enmesh religious authority with your purely civil and secular authority as mayor is a wildly inappropriate use of the mayoral office, and sends a clear and inappropriate message to nonreligious and non-Christian residents that they are not first-class citizens, and to Christians that they are favored citizens.

As mayor, you are tasked with serving all citizens, regardless of their personal religious beliefs. You must not include religious rituals in official ceremonies or otherwise promote your religious views using your office in the future. Please inform us in writing of the steps you take to address this constitutional violation. Thank you for your time and attention.

Sincerely,



Christopher Line  
Staff Attorney

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<sup>3</sup> *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/>.