

FREEDOM FROM RELIGION *foundation*

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The Honorable Jacob Frey
Mayor's Office
City Hall
350 S 5th Street Room 331
Minneapolis, MN 55415

Re: Special Exemption for Religious Noise Violations

Dear Mayor Frey and City Council members:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to object to the city changing its noise ordinance in order to allow the broadcast of an amplified call to prayer publicly at any time of day. We wrote to the City of Minneapolis back in 2020 when it allowed a special exemption for amplified calls to prayer during Ramadan. FFRF is a national nonprofit organization with more than 40,000 members across the country, including more than 900 members and two chapters in Minnesota. FFRF protects the constitutional separation between state and church, and educates about nontheism.

Multiple concerned residents have reported that the City of Minneapolis has altered its noise violation statute to allow religious organizations, including churches and mosques, to broadcast bells, chimes, and amplified messages at all hours of the day. While the statute ostensibly allows any religious group to disturb their community with noises that would be impermissible if not related to religious purposes, it's clear this change was made to specifically allow mosques to broadcast an amplified call to prayer as early as 3:30AM and as late as 11:00PM. The change was pushed for by local mosques and Muslims and, tellingly, the ordinance was signed into law inside of Dar Al-Hijrah Mosque.

It is our understanding that the City believes that this change “ensures equal access for all people” and that it “benefits people of all faith,” but this is not the case. Allowing religious organizations a special carve out from Minneapolis’ noise ordinance, which is a reasonable restriction meant to foster a peaceful, quiet community with a well-rested population, is the

opposite of equal access. It privileges one religious group's messages above all others, and all religious messages over any non-religious speech.

Under this change, all community members, organizations, and businesses are prohibited from delivering amplified messages or making loud noises that disturb the peace unless the message or sound is "associated with religious worship." It is our understanding that, currently, most mosques are not even broadcasting a call to prayer at all, let alone in the middle of the night, but with this law change more will certainly start to do so, as may other religious groups who have now been given an unprecedented opportunity to proselytize, amplified, at any hour of the day or night .

It is also worth noting that in our modern age of cell phones, alarm clocks, and all manner of digital devices, broadcasting a loud, amplified message to an entire community in order to facilitate the religious practices of a select group of members of that community is not only unnecessary, but unreasonable.

The Establishment Clause of the First Amendment prohibits the government from privileging religious messages. 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 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. Arkansas*, 393 U.S. 97, 104 (1968); *Everson v. Bd. of Educ. of Ewing*, 330 U.S. 1, 15-16 (1947). Under this statutory revision, religious messages may be broadcast at any time of day, even the middle of the night, solely because they are religious in nature. Furthermore, this revision was done for the purpose of privileging the call to prayer, which provides a benefit solely to the Muslim community. This is not neutrality, but an imposition of one religious view and message onto all community members.

After this change was approved, Jaylani Hussein, executive director of the Minnesota chapter of the Council on American-Islamic Relation said, "The Constitution doesn't sleep at night."¹ He also erroneously stated that the decision shows the world that a "nation founded on freedom of religion makes good on its promise." The Constitution does not and should not grant special privileges for churches, mosques, or any religious person with a microphone to violate neutral laws meant to ensure the peace of residents. Why would the Constitution protect the rights of religious organizations to broadcast amplified religious messages at any time without reasonable restrictions under the Free Exercise Clause, but not offer the same right to all residents under the Free Speech Clause?

It is also worth pointing out that, rather than uniting Minneapolis' diverse community, allowing religious organizations to disturb residents in the middle of the night with amplified calls to

¹<https://www.wionews.com/world/minneapolis-becomes-first-us-city-to-allow-broadcast-of-muslim-call-to-prayer-at-all-hours-582793>

prayer alienates the non-religious. Muslims make up just one percent of Hennepin County residents, while 30% of Hennepin County residents are religiously unaffiliated.²

In order to respect the constitutional rights of the Minneapolis residents who will be negatively affected by amplified calls to prayer, we ask that you rescind the changes to Minneapolis' noise ordinance and treat religion neutrally — with neither hostility nor favoritism.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Line", with a long horizontal flourish extending to the right.

Christopher Line
Staff Attorney
Freedom From Religion Foundation

² The 2020 Census of American Religion, PRRI, July 8, 2021, www.prii.org/research/2020-census-of-american-religion/.