

FREEDOM FROM RELIGION *foundation*

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January 6, 2016

SENT VIA EMAIL AND U.S. MAIL:
bdeblasio@cityhall.nyc.gov

The Honorable Bill de Blasio
New York City Mayor
City Hall
New York, NY 10007

Re: Taxpayer-funded security at religious private schools

Dear Mayor de Blasio:

I am writing on behalf of the Freedom From Religion Foundation, a national nonprofit dedicated to protecting the constitutional principle of separation between state and church. FFRF represents 23,000 nonreligious members nationwide, including over 1,200 in New York.

It is our understanding that on January 5, 2016 you signed a bill giving nearly \$20 million per year in taxpayer money to private schools, including religious parochial schools, to hire security guards. This serious misappropriation of taxpayer funds finances religion, will lead to city-funded hiring discrimination, and risks improper government entanglement with religion.

This is the fourth time we have written to you in less than a year regarding the promotion of religion while acting in your official capacity as the mayor of New York City. We are dismayed at the erosion of respect for the wall of separation between state and church by your office. In our pluralistic modern society, increasingly tolerant and irreligious, public funds should not be given to private, often dogmatically intolerant, religious institutions.

This action will finance religion with millions of taxpayer dollars. This is not in the best interests of all NYC citizens. Approximately 300 schools will be eligible for this program, the majority of which are religious.

If private schools need extra security, *they* should pay for it. The NYPD is already tasked with protecting students who attend private schools. If the City sees a need for increased protection, the funds should go to the NYPD, which would then decide how best to use those resources. Private companies

must pay for private security themselves, and private schools should be no different.

Reimbursing religious institutions for the cost of hiring employees will lead to city-funded hiring discrimination. New York City Councilman Daniel Dromm, chairman of the Education Committee, pointed out that the religious schools receiving these funds may “embrace homophobia, transphobia, and other horrific ideologies, and subject our young people to them on a daily basis in the classroom.” Typically these prejudices breed discriminatory hiring practices that would be illegal in a government setting.¹ It is improper for the city to fund a discriminatory practice that the city would be constitutionally barred from doing itself.

The constitutional dangers do not just extend to taxpayers, but to parochial schools and the churches that run them. While the city must ensure that its funds are not used for discriminatory hiring, a prohibition against allowing private schools to discriminate on the basis of religion, gender, or sexual orientation would be an impermissible government entanglement with religion. Giving churches taxpayer money with such strings attached would amount to the government dictating to the church on what basis it may hire employees. Failure to do so would allow for illegal discrimination with public funds.

New York City is going to be mired down in an impossible tightrope between funding discrimination and religious entanglement. The public school system is under attack and is under-funded. We should be using taxpayer money to fund the public school system, not private (mostly religious) schools. Please respond in writing with the steps your office takes to address these serious concerns. In particular, please inform us how New York City will ensure its funds are not used for discriminatory hiring practices.

Very truly,



Annie Laurie Gaylor
Co-President

ALG:rdj

¹ See, e.g., N.Y. Executive Law § 296 (McKinney 2015).