

FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 › MADISON, WI 53701 › (608) 256-8900 › WWW.FFRF.ORG

December 6, 2024

SENT VIA EMAIL & U.S. MAIL: tom.joyce@parkersburgwv.gov

The Honorable Tom Joyce
Mayor
City of Parkersburg
P.O. Box 1627
Parkersburg, WV 26102

Re: Potential Religious Discrimination and Open Records Request

Dear Mayor Joyce:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding concerns over potential religious discrimination by the City of Parkersburg. As you may be aware, FFRF is a national nonprofit organization with more than 40,000 members across the country, including members in West Virginia. 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 the City of Parkersburg sponsors a Christmas parade each year. We understand that the parade is coordinated by Lori Ullman-Roberts and John Chalfant, but that the applications for the parade are accessed via the City's official website where the event is also heavily promoted.

A concerned local resident has reported that the Appalachian Pagan Ministry, a registered 501(c)(3) non-profit dedicated to serving those of non-Abrahamic beliefs who are incarcerated, formerly incarcerated, and/or in recovery, was rejected from participating in the Parkersburg Christmas Parade based on their religious affiliation, and that Ullman-Roberts and Chalfant have claimed that you were the one to make this decision in your capacity as Mayor of Parkersburg.

Singling out a religious denomination by denying them an opportunity to participate in a city-sponsored Christmas Parade, despite allowing similarly situated religious groups to participate, amounts to a clear violation of the First Amendment.

It is unconstitutional discrimination to treat similarly situated persons differently: “[t]he Equal Protection Clause of the Fourteenth Amendment . . . is essentially a direction that all persons similarly situated should be treated alike.” *City of Cleburne, Tex. v. Cleburne Living Ctr.*, 473 U.S. 432, 439 (1985) (citing *Plyler v. Doe*, 457 U.S. 202, 216 (1982)). Furthermore, “[t]he government, consistent with the Constitution's guarantee of free exercise . . . cannot act in a manner that passes judgment upon or presupposes the illegitimacy of religious beliefs and practices. The Free Exercise Clause bars even ‘subtle departures from neutrality’ on matters of

religion.” *Masterpiece Cakeshop, Ltd. v. Colorado C.R. Comm'n*, 584 U.S. 617, 638 (citing *Church of Lukumi Babalu Aye, Inc. v. Hialeah*, 508 U.S. 520, 534). In *Masterpiece Cakeshop*, the Supreme Court found that “official expressions of hostility to religion” in comments made by government officials, especially when those comments are “not disavowed...at any point,” are “inconsistent with what the Free Exercise Clause requires.” *Id.* at 639.

We request that the City immediately allow the Appalachian Pagan Ministry to participate in the Parkersburg Christmas Parade and respond to the following open records request.

Open Records Request

Pursuant to the West Virginia Freedom of Information Act (§ 29B-1-1), I request a copy of the following records:

- 1) All records related to the City of Parkersburg’s sponsorship of the 2024 Parkersburg Christmas Parade, including any invoices, receipts, flyers, parade applications, advertisements, or social media postings;
- 2) All communications to or from any city employees coordinating the 2024 Parkersburg Christmas Parade;
- 3) All communications to or from Mayor Tom Joyce regarding the Parkersburg Christmas Parade since January 1, 2024;
- 4) All communications between city employees and Lori Ullman-Roberts or John Chalfant regarding the Parkersburg Christmas Parade since January 1, 2024.

Per West Virginia law, I respectfully request these copies promptly. If you choose to deny the request, please respond in writing and state the statutory exception authorizing the withholding of all or part of the public record and the name and title or position of the person responsible for the denial.

If any of these records are available through electronic media (preferred), they may be e-mailed to records@ffrf.org. If I can provide any clarification that will help expedite your attention to my request, please contact me at 608-256-8900. I appreciate your time and attention to this request.

Sincerely,

A handwritten signature in blue ink that reads "Chris Line". The signature is written in a cursive, flowing style.

Christopher Line
Legal Counsel
Freedom From Religion Foundation