



Constitutional violation

1 message

David Niiose <dniiose@americanhumanist.org>
To: mayorsoffice@beebeark.org

Thu, Jun 2, 2016 at 9:29 AM

Dear Mayor Robertson,

A concerned citizen of Beebe has contacted this office regarding a letter sent recently by your office. The letter, a copy of which is attached, strongly suggests that the city government is endorsing Christianity in violation of the First and Fourteenth Amendments of the United States Constitution. Such statements, on official city letterhead signed by you, leave the city open to potential litigation.

It appears the city is sponsoring and promoting an event, on city property, in which Gospel musicians will be the primary, if not the only, musical entertainment. The goal of these invited musicians, in your own words, is "to usher in the presence of god and to celebrate the Christian message. They feel privileged and honored to enjoy the freedom to honor Christ with any and all of their abilities."

You should not be surprised that some of your constituents object to your use of the apparatus of government, which of course is funded by citizens of various religious backgrounds, to endorse and promote your personal religion. At the bottom of this email you will find some case citations that suggest that courts of law would agree with these citizens.

The purpose of this letter is twofold. First, pursuant to applicable freedom of information law, we request copies of all documents, correspondences, and emails relating to the Gospel musicians referenced in your letter being hired or retained for the Fourth of July event in question. This would include communications relating to payment terms, contracts, negotiation correspondences, and any other documents relating in any way to their being invited for the planned appearance.

Second, we would like to suggest that your office refrain from actions, such as those evident in your letter, overtly endorsing or favoring Christianity. Not all citizens of Beebe are Christian, and it is simply inappropriate to use taxpayer resources to sponsor a city event featuring musicians whose message and purpose are, as you admit in your own words, unquestionably intended to promote Christianity. This planned Gospel performance should be moved to a church or other private venue, and its city sponsorship should be removed. Statements such as those contained in your letter, clearly endorsing religion, should also not be seen on city stationery in the future.

Of course, the American Humanist Association appreciates your personal religious freedom, and we encourage you to exercise it as you wish, without using the apparatus of government to do so. We have successfully litigated First Amendment cases from coast to coast, including in Arkansas, but we have no desire to escalate this matter. We simply ask that you provide the requested documents in a timely manner, and relay assurances that these types of activities will not be repeated.

Here are some case citations, as mentioned previously:

Hewett v. City of King, 29 F. Supp. 3d 584, 596, 636 (M.D.N.C. 2014) (Mayor's participation in promoting and organizing a "prayer ceremony" violated Establishment Clause); *Newman v. City of East Point*, 181 F. Supp. 2d 1374 (N.D. Ga. 2002) ("Mayor's Community Prayer Breakfast" violated the Establishment Clause).

A "religious service under governmental auspices necessarily conveys the message of approval or endorsement. Prevailing doctrine condemns such endorsement, even when no private party is taxed or coerced in any way." *Doe v. Crestwood*, 917 F.2d 1476, 1478 (7th Cir. 1990) (emphasis added).

"The mere appearance of a joint exercise of legislative authority by Church and State provides a significant symbolic benefit to religion." *Larkin v. Grendel's Den*, 459 U.S. 116, 125-26 (1982) (emphasis added).

These case citations are just a quick sampling, and there are many others. That said, now that the issue has been raised, we would hope that the problematic nature of the activity is apparent without reference to further legal authority. We look forward to receiving the materials requested, along with any reply you may have. Feel free to contact this office if we can be of any assistance.

David A. Niose

Legal Director

American Humanist Association

Appignani Humanist Legal Center